

MAGAZINE OF AMERICAN HISTORY

VOL. III

OCTOBER 1879

No. 10

CIVIL STATUS OF THE PRESBYTERIANS IN THE PROVINCE OF NEW YORK

AMONG the questions in debate, under the colonial system of England before the American Revolution, one of the most embarrassing was that touching the relation of the various ecclesiastical bodies, existing in the colonies, to the State. That "remarkable variety and indistinctness of opinion," which prevailed both in Britain and in America, concerning the precise nature of the political bond which united the two countries, extended beyond the sphere of secular interests into that of religion. Indeed it is only within a few years that a solution for the same problem has been found in countries that have retained their connection with Great Britain to the present day. In the colonial time, and in the province of New York, it was a question surrounded with peculiar difficulties, and here, perhaps more than in any other American province, it was productive of serious trouble. Elsewhere the type of religious belief prevailing among the settlers determined the question, so far as it could be determined through the action of colonial legislatures. In Virginia and in Carolina, where the majority of the population adhered to the Church of England, that Church was established by colonial law. The Congregational order prevailed in Massachusetts and in Connecticut, and was recognized and enforced by the civil power. New York, throughout the colonial period, was distinctively a Presbyterian province. What position belonged of right to the Presbyterian churches in this province, and how actually they stood related to the State:—these are the points to be noticed in the present paper.

The period under consideration may be divided approximately into two terms of about seventy-five years each—the one term lying in the seventeenth century, and the other in the eighteenth. From the year 1623, when the permanent colonization of the province was commenced,

until the close of the seventeenth century, liberty of conscience and equal protection under the law were enjoyed by the various denominations of Protestant Christians. This age of religious toleration was introduced by the Dutch West India Company, and it continued throughout the administrations of the first five English Governors. When in 1664 England took possession of New Netherland, the Reformed Church of Holland had occupied the ground for more than forty years as the Church by law established, and the Church representing the religious belief of almost the entire population. By the articles of surrender the Dutch were secured in the enjoyment of their religious privileges, and in the possession of their ecclesiastical property, and for thirty years more these rights remained unimpaired. The laws imposed upon the province by the Duke of York, to whom the territories taken from the Dutch were conveyed by his brother, Charles II., provided for the building of churches and the induction and support of ministers, but gave no advantage to one religious body over another.

The Reformed Dutch Church, however, though no longer in connection with the State, retained a commanding importance. The English Governors themselves occasionally recognized it as a *quasi* establishment. Thus Governor Nicolls in 1665 directed the authorities of the city of New York to levy a tax for the payment of the salaries due to the Dutch ministers. His successor, Lovelace, in 1670 declared that he regarded the Dutch Church, which was "found established" by Nicolls and himself, as in Albany the parish church, entitled to support through taxation or otherwise. The Dutch Church of New York was the very first to obtain from the Governor a charter of incorporation. For generations the population of Dutch birth or descent, largely outnumbering the English both in city and in country, clung to their ancestral faith; and long after Holland had lost her possessions on these shores the flourishing congregations of New York, Albany, Kingston, Schenectady, Poughkeepsie and other places still comprised the bulk of the religious element in the province. In close connection with these churches a few congregations of Huguenot refugees sprang up, the principal one of which, the French Church in New York, was strong and wealthy, when the English-speaking congregations of that city were yet in their infancy. By the end of the century the churches in the province numbered not far from forty. Fifteen of these were Dutch, four were French, thirteen were of New England origin, one was a German Reformed congregation. All but three or four were

Presbyterian. A Lutheran Church had been founded in New York and another in Albany. A service, conducted by the chaplain of the English forces, and held in the Dutch Church in the fort for the benefit of the Governor and the garrison, was the only Anglican service observed in the province until the erection of Trinity Church in the year 1697.

The policy of toleration pursued by the early Governors of New York was approved from the very first by the Colonial Legislature of the province. In 1683 the representatives of the people met for the first time in General Assembly. The Charter of Liberties enacted by this body, and approved by the Governor and his Council, provided that all persons professing faith in God by Jesus Christ should have entire freedom of conscience. It was also expressly declared that the Christian Churches existing in the province should forever be "held and reputed as privileged churches, and enjoy all their former freedoms of their religion in Divine worship and Church discipline." This charter was confirmed by the Duke of York. Three years later the same personage, upon his accession to the throne as King James II., repealed it. The fact remains, however, that the popular branch of the provincial government had pronounced itself from the first in favor of the rights of conscience.

The period of religious freedom closed with the century. A change in the policy of the Governors had been foreshadowed some years earlier. Indications of such a change appeared in connection with a scheme for the better support of ministers in the several towns of the province. The expediency of some provision for this purpose was acknowledged, and the Assembly showed no unwillingness to take action with reference to it. But the growing disposition of the Governors to interfere in matters of religion was calculated to awaken apprehension, and there were grounds for suspecting that they designed to make way for an ecclesiastical establishment. In 1691 Governor Sloughter suggested to the Assembly the passage of an Act for the suitable maintenance of the ministry in every town. Instructions were accordingly given for the drawing up of a bill to provide for the settling of ministers and the raising of a support for them in each place consisting of forty families and upwards. The bill as prepared reflected the views of the Governor, but for some reason it failed to meet the approval of the House, and was rejected. Orders were given for the preparation of another bill, and at the subsequent session the subject came up for consideration, but no definite action was taken until the year 1693, after the

arrival of Governor Fletcher. On the 19th of September in that year a bill was introduced into the House, entitled "An Act for Settling a Ministry, and Raising a Maintenance for them, in the City of New York, County of Richmond, Westchester and Queen's County." This Act was passed on the 22d of September. Its application, as the title shows, was limited, and it contained no reference to a particular religious denomination. It applied to only four of the ten counties of the province. It provided that in each of certain specified localities in these counties—in the city of New York, on Staten Island, and in the towns of Westchester, Rye, Jamaica and Hempstead—ministers should be settled within one year after the publication of the Act; and that for the maintenance of these ministers, as well as for the relief of the poor, a tax should be laid on the respective places. The choice of ministers was left to certain officers, to be elected by the people of each place. At the same time it was declared "that all the former Agreements, made with Ministers throughout this Province," should "continue and remain in their full Force and Virtue; any Thing contained" therein "to the contrary" thereof "in any wise notwithstanding." (Laws of New York, I. 18-20.)

No departure from the course hitherto pursued in the treatment of the various religious bodies appeared in this legislation. It was in the same line of religious toleration with the rules of the Dutch Company and the laws of the Duke of York. Under the Duke's code a minister, desiring to officiate within the government, was required to produce testimonials to the Governor that he had received ordination either from some Protestant bishop *or ministers* within some part of his Majesty's dominions, or the dominions of any foreign prince of the Reformed Religion." "For the making and proportioning the Levies and Assessments for building and repairing the Churches, Provision for the poor, maintenance for the Minister, as well as for the more orderly managing of all Parochiall affairs in other cases exprest, Eight of the most able Men of each Parish" were "by the major part of the Householders of the said Parish, chosen to be Overseers, out of the which Number the Constable and the aforesaid Overseers shall yearly make choice of two of the said number to be Church-wardens."

The Ministry Act of 1693 clearly follows the earlier code in the mention of "church-wardens," and simply substitutes the term "vestrymen" for the term "overseers." Yet Governor Fletcher argued with the Assembly in 1695 against an interpretation of that Act which would allow the Vestry of New York to call a minister dissenting from

the Church of England,—“There is no Protestant Church admits of such officers as Church Wardens and Vestry-men but the Church of England.”

Assuredly nothing could have been further from the intention of the Assembly which passed the Act than the establishment of the Church of England in the province. A solitary member of the Assembly was an adherent of the Church of England; and the congregation that met on Sunday after service in the Dutch Church in the fort was the only Anglican congregation in the entire province. “The people,” said Lewis Morris, afterwards Chief Justice of the province, “were generally dissenters, and averse to the Religion of the Church of England; and when the Act was past that provided for the Maintenance of Ministers abovesaid, it was to settle an Orthodox Ministry, which words, were a Governor a Dissenter and would induct Dissenters, would be as favourable in favour of them as the Church; and the people, who ne’er could be brought to settle an Episcopal Clergy in direct terms, fancied they had made an effectual provision for Ministers of their own persuasion by this Act.” (Correspondence G. P. S.)

Yet upon this Act the claim set up afterward for the Church of England, as “by law established” in the province, was based. Colonel Fletcher, the new Governor, had entered upon his office determined to bring this result about. He endeavored to procure the insertion of a clause in the bill, before its passage, giving the Governor the right to approve and collate or induct ministers into the parishes to which they might be called; a provision which would of course have carried with this right that of refusing to approve and collate. The Assembly declined to make this amendment; the bill was passed without it, Fletcher himself signing the Act. But though disappointed with its provisions, he made effectual use of the law by an arbitrary and illegal wresting of its true purpose. For seventy years or more the Governors of the province of New York exercised the power, which the Assembly had expressly denied them, of inducting ministers into the parishes, under this Act for settling a Ministry. Four years after the passage of the bill a charter was granted, creating the parish of Trinity Church in the city of New York, and assigning to the rector of that parish and his successors all the benefit of the Act of 1693; and thenceforward, until the period of the Revolution, the inhabitants of the city were taxed for the support of the rector, precisely as though the Act had been designed for the sole advantage of his particular denomination. In 1704 Lord Cornbury succeeded in procuring the passage of an Act

"for granting sundry Privileges and Powers to the Rector and Inhabitants of the City of New York, of the Communion of the Church of England, as by Law established." This Act provided that the rector and his successors in office should receive the sum of one hundred pounds yearly, raised and levied upon the inhabitants of the said city, for the maintenance of a good, sufficient Protestant Minister, by virtue of an Act entitled An Act for Settling a Ministry.

Lord Bellomont, the next Governor, looked with little favor upon his predecessor's scheme for the setting up of a State Church in a part of the province. Writing to the Lords of Trade, he complained that "the late Governor" had "made advantage to divide the people by supposing a Dutch and English interest to be different here." "Under the notion," he continued, "of a Church of England, to be put in opposition to the Dutch and French churches established here," Fletcher had "supported a few rascally English, who" were "a scandall to their nation and the Protestant religion." This plain-spoken nobleman, however, was not prepared to grant the full measure of religious liberty which the people of his government craved and were disposed to claim. Short as the term of his administration was, there occurred an opportunity for Lord Bellomont to negative such a claim. His own account of the matter is briefly given in a letter to the Lords of Trade, July 22, 1699: "The House of Representatives sent up a Bill to me and the Council for settling a Dissenting Ministry in that Province, but it being contrary to his Majesty's instructions, and besides having been credibly informed that some of those Ministers do hold strange erroneous opinions in matters of Faith and Doctrine, I would not give the Assent to that Bill, but rejected it." (N. Y. Col. Documents, IV. 325, 536.)

The precise form of the bill thus rejected—owing to an unfortunate break in the Journal of the Provincial Assembly—cannot be ascertained, but its general character may be inferred from the context of existing records. A petition of "the civil and military officers of Queen's County" was presented in April, 1699, to the Assembly, and was referred to the Committee "of Grievances," which reported April 13th as follows: "That they examined the Petition, . . . and are humbly of Opinion, That every Town or Parish within this Province, consisting of the Number of 40 Families, shall have full Power by the major Part of said Inhabitants, in each Town or Parish, to call and settle a Protestant Minister among them; and all the Inhabitants within the said Town or Parish, shall equally contribute to his Maintenance,

according to Proportion, by Way of Rate." The committee, of which Abraham Gouverneur was chairman, recommended that a bill to this effect be brought in. Such a bill was prepared, and after a second reading, April 28th, was committed to the Committee of Grievances. On the 1st of May that committee reported: "That they have . . . examined the Bill for ye settlement of ministers, &c., & have agreed to ye same, with these amendments: That a proviso be added that this Act nor any clause therein Contained, shall extend to ye hinderance of ye Dutch and French churches establisht in this Province, nor Constraine ye Citty of New York, ye Citty of Albany, ye County of Ulster or Kings county to call any other ministers unless at their pleasure." The proposed amendments were agreed to, and on the 4th of May the "Bill for the settlement and support of ministers & schoolmasters & building & repairing meeting houses within this Province" was passed and sent up for approval. (Journals of Assembly, MSS., Albany.)

The report of the Council upon the bill states very clearly the grounds upon which it was rejected. "His Excellency the Governor having been pleased," say they, "to Communicate unto us his Instructions Relating to the Settlement of Religion in this province, we are humbly of opinion that by the said Instructions your Excellency ought not to passe the said Bill. But we doe humbly offer the Reasonableness and our Readynesse to Joyn with the Representatives of this province in an Adresse to your Excellency humbly to Represent to his most Sacred Majtie the State and condition of this province, as to the matters in the said Bill contained, and that his Majesty of his Great piety and wonted Clemency would be graciously pleased to allow, *untill some better order* can be in this province had for the Settlement of *a more orthodox Ministry*, That such Ministers of the Presbyterian and Independant Congregation as are allready settled in the several Towns of this Province may be continued and maintained according to such agreement as hath been made by the major part of the people of such Towns, and that all the Inhabitants within the bounds of such Towns may be equally and justly Assessed according to their several Estates for and towards the payment and Support of such Ministry; and that such other Towns who are well able to maintain a Minister, and have none within this Province, may be encouraged and obliged to Establish and Ascertain a maintenance, and use their Endeavours to get Ministers, that God's word may be preached and His Ordinances practized amongst us, and that Churches, Schools and parsonage houses may be built and Repaired throughout this province." (Journal of Council.)

This language was not suited to inspire confidence with regard to the future; nevertheless the conduct of the Governors for the time being was kindly and tolerant in the main. Though disposed to meddle sometimes officiously in their affairs, they recognized in various ways the rights of ministers and congregations. Both ministers and individual members of churches—Dutch, French, German and English—brought their grievances before the Governor. Orders were issued for the payment of salaries in arrears. Permission was given to collect money for the building of churches. Peiret, the Huguenot pastor of New York, received with Vesey a pension out of the revenues of the province. The Act of 1693, as construed by the people themselves, was in operation. "Dissenting Ministers were settled" under it in various places without let or hindrance. (Doc. Hist. of N. Y., III. 198, etc.; Correspondence G. P. S.)

The second term of our colonial history begins with the eighteenth century. In 1701 the Society for the Propagation of the Gospel in Foreign Parts was formed in England. One principal design of this organization—the only one indicated by its charter—was the providing of ministers for the British Colonies beyond the seas. Representations were at once made to the Society of the great destitutions of this province. There are some Calvinistic congregations on Long Island and elsewhere, but "there is no Church of England in all Long Island, nor in all that great Continent of New York Province, except at New York town." (Collections P. E. Hist. Soc., p. xiii.) Missionaries were accordingly sent over, and it became the care of the Governor to find or to make places for them within the four counties especially to which the Act for Settling a Ministry applied. Nearly all the towns named in that Act already possessed houses of worship; in several of them the inhabitants had set apart lands for glebes, and had built parsonage houses. Lord Cornbury, equally zealous with his predecessor, Fletcher, for the spread of the Church of England, assumed the right that Fletcher had claimed to induct ministers into parishes, and under the color of a law that had no existence put the missionaries of the Society in possession of churches, glebes and parsonages. This was done, or attempted, at Westchester and Eastchester, Rye and Bedford, Jamaica, Newtown and Hempstead. In Rye, only of all these towns, no church had yet been built; but a tax was levied upon the inhabitants for its erection, and meanwhile the house and lands which had been provided for a minister, and held by a succession of pastors, were taken for the missionary.

That this course was not in harmony with the avowed design of the Society at home is very certain, and we may well believe that it was not inspired by the excellent men who were most zealous for the establishment and success of that great benevolent institution. The correspondence of the Society shows that the importance of missionary work among the Indians and heathen, and in settlements where no provision existed for the religious instruction of the people, was urged upon its laborers as their chief work. Archbishop Secker at a later day repelled the charge that the Society had been diverted from this aim—"that we have unwarrantably changed our object, from the propagation of Christianity and Protestantism, to the propagation of one form of it, in opposition to other Protestants; and make the gaining of proselytes from these our Chief business, which was not designed to be any part of it: nor was attempted, they say—I want to know how truly—by our predecessors in the Society for many years after its erection." "We must be extremely cautious," he adds, "how we appoint new Missions where Presbyterians or Independents have Assemblies." (N. Y. Col. Documents, VII. 347.)

It would have been happy for the cause of religion here if such wise caution had been observed; but Lord Cornbury and his advisers were governed by no such considerations. We have the unimpeachable testimony of Colonel Morris, a member and a zealous friend of the Society, as to the methods used and their effects. "I think," he writes to the Secretary about the beginning of the year 1708, "in West Chester, East Chester, Hempstead, New Town, in [and?] Jamaica dissenting Ministers were settled, . . . and being afterwards put out of them by the Missionaries of the Society, supplying those places, made them think themselves unjustly dealt with, and very much increast their prejudices." (Correspondence G. P. S.)

The oppressive nature of these proceedings is better known in some of the cases that have been mentioned than in others. Cornbury's doings at Jamaica, perhaps more than any other occurrences of his disgraceful administration, brought infamy upon his name. Bartow, a missionary of the Society, with the Governor's approval, took summary possession of the church, ousting the Presbyterian pastor from his pulpit, and locking the door upon the people. But the minister still held the parsonage. It was the best house in the town. Cornbury, who had left the city during the prevalence of an epidemic, asked leave to occupy it. Consent was given; and, when the noble lord came to leave, his host was denied admittance, and the parsonage and

glebe were given up to the missionary. Thus by force and by treachery a congregation was deprived of house and lands, their title to which was indisputable. There were peculiar hardships in this case, yet the course pursued elsewhere was substantially the same. Wherever, by an untrue and unscrupulous interpretation of the Act for settling a ministry, it was possible to take the churches and the other ecclesiastical property for the missionaries, the attempt was made, and, thanks to Lord Cornbury, it was generally successful. The only instance of an utter failure was at Bedford, where the people made from the first so determined a resistance that the effort to alienate their church property was abandoned.

A policy so unjust and oppressive could not fail to produce dissatisfaction and trouble. The Governor might be arbitrary and overbearing, but his power was not without limit. Legislative assemblies and courts of justice could not be counted upon to sustain his interpretation of the law. The Assembly had from the first refused to acquiesce in Fletcher's usurpation of the right to collate ministers. The same body in 1695 declared that, under the Act for Settling a Ministry, a minister dissenting from the Church of England might lawfully be called and maintained as the parish minister of the city of New York. In 1705 Lord Cornbury endeavored to procure the enactment of laws that would at once confirm the Society's missionaries in the possession of the privileges claimed for them under the Act of 1693, and provide in a similar way for the support of ministers of the Church of England in places that were not included within the scope of that Act. "The Difficulties which some very worthy Ministers of the Church of England, have met with, in the getting the Maintenance settled upon them, by Act of General Assembly of this Province, passed in the Year 1693, moves me," said his lordship in a speech to the House, "to recommend to you the passing an Act, explanatory of the abovementioned Act, that those worthy good Men, who have ventured to come so far, for the Service of God and his Church, and the Good and Edification of the People, to the Salvation of their Souls; may not for the future be vexed, as some of them have been, but may enjoy in Quiet that Maintenance, which was by a Law provided for them. I further recommend to you the passing an Act, to provide for the Maintenance of some Ministers in some of the Towns at the East End of Long Island, where I do not find any Provision has been yet made for the propagating Religion."

Colonial legislatures had a quiet way of disposing of suggest-

ions like these. The House promptly passed a bill, entitled "An Act for the better explaining, and more effectual putting in Execution" the Act of 1693 for settling a Ministry. It did not meet the Governor's wishes. When submitted to the Council, the bill was amended and returned to the Assembly for its concurrence. The Assembly, however, refused to agree to the amendments; they were withdrawn by the Council, and the bill in its original shape became a law. The new Act was not any more than the old one an Act to establish the Church of England in four counties of the province. As little did it provide for the extension of the former Act to include the east end of Long Island. Five articles were embraced in the bill. The first made it the duty of the Justices of the Peace of each county to lay a tax on the places specified, in case that the persons appointed to this duty in the former Act should fail to perform it. The second provided that payments should be made to the incumbents at these places in the current money of the province, and not in country produce. The third related to the disposition of the fines, penalties and forfeitures that might arise. The fourth empowered the vestrymen and church wardens to "present" a minister in case of the death of an incumbent. The fifth was as follows: "Provided nevertheless, That neither this present Act of General Assembly, nor any Thing herein contained, shall be construed, or understood to extend to abridge, or take away the Indulgence, or Liberty of Conscience granted and allowed to any other Protestant Christians, by any Law, or Statute of the Realm of *England*, or of this Plantation; any Thing in this Act contained to the contrary thereof, in any wise notwithstanding."

An important point, however, had been yielded by the Assembly. The Act of 1705 recognized the right of the Governor—a right which the Act of 1693 did not recognize—to "induct ministers in parishes" within the counties named. (Laws of New York, Chap. CXLVI.)

Subsequent enactments of the Colonial Legislature made provision for the more effectual execution of the law, with reference to the raising of a maintenance for the ministers of the parishes. These enactments were based upon the Act of 1693. No new measure was introduced for the setting up of a State Church; but the interpretation which had been given to the original law in favor of the Anglican ministers, and particularly the rector of Trinity Church in New York, seems to have been acquiesced in by the Assembly.

The courts of justice became and long continued to be the resort of complainants. Suits at law, lasting for many years, grew out of the

seizure of the church at Jamaica. In 1727, a quarter of a century after their dispossession, the Presbyterians gained their cause, recovered the church, and had their title to the glebe lands and the parsonage confirmed. At Hempstead the right of the Anglican party to the church land was hotly disputed, and the missionary was "often threatened with an ejectment." At Rye the Presbyterians pressed their claim from time to time, and finally, toward the middle of the century, brought a suit for the purpose of recovering at least a part of their former glebe. All this litigation, however, was insignificant compared with the strifes and contentions arising out of the attempt to collect the taxes for the support of the Anglican clergy. The vestrymen, as they were called, regarding their office as a purely secular one, refused in some instances to admit the Church of England clergymen to take part in their proceedings, and sometimes they paid over the sums raised by taxation to the Presbyterian ministers instead. (Doc. Hist. N. Y., III. 270.) The churches, built by the towns, continued to be regarded by the mass of the people as town property, and from time to time this theory of ownership was reduced to practice without recourse to the forms of law. While in some places the Presbyterians were successful in retaining or ultimately recovering their houses of worship, as at Bedford, Newtown and Jamaica, in other places they asserted their claim by an occasional or periodical occupation. Thus William Tennent preached for eighteen months in Eastchester church, and at Rye the Presbyterians at one time held possession of the church for nearly three years. Some of these buildings were at a late day secured by charter to the favored denomination, but it was long before they ceased to be regarded by the people as common or "union" houses of worship.

On the whole the scheme for the establishment of the Church of England in four counties of the province, under the provision of a law passed by the Provincial Assembly, was a mistake and a failure. A leading member of that Church spoke of it as an "artifice" (Doc. Hist. N. Y., III. 244), and the language of some who were directly concerned in the scheme is scarcely less candid. "I believe at this day," says Lewis Morris in 1711, "the Church had been in a much better position had there been no Act in her favour." (N. Y. Col. Documents, V. 323.) As well by the fraudulent construction, as by the oppressive enforcement of the law, a deep and lasting resentment was awakened against those who procured and those who profited by the abuse.

But a second and more imposing claim was advanced in the course of time in behalf of a State Church in this province. As the century

went on, it was assumed, more and more distinctly and unhesitatingly, that the ecclesiastical establishment of the mother country extended necessarily to the colonies; that wherever throughout the British Empire the authority of the Crown was exercised, there the Church of England was to be acknowledged as the Church by law established; and those who differed from that Church possessed in the colonies no other rights and immunities than such as were granted at home to Dissenters. Especially, it was held, must the claim be admitted in a province that possessed none of those rights which were peculiar to the "charter governments" of Massachusetts, Connecticut and Rhode Island, but was directly amenable to the Crown, and subject to the laws of England.

The missionaries of the Society for the Propagation of the Gospel appear to have taken this ground from the first. But it became a more serious matter when a Governor, acting upon this theory, undertook to deal with Presbyterian ministers and congregations as Dissenters. The adoption of this course may be said to date from the time when a Presbyterian congregation was gathered in the city of New York. In the broader sense of the name, Presbyterianism, we have seen, had been represented in that city from the first by the Churches of Holland and France. But it was long before the adherents of the Church of Scotland came in any considerable numbers to settle in New York. Early in the eighteenth century we hear of religious services that were held in private houses; and we learn that the congregation of Trinity Church was in large part composed of those who preferred the Presbyterian order, but who worshipped there, "having no other place to go to." (Correspondence G. P. S.) It was not until the year 1715 that a regular church organization was effected by the Presbyterians of New York. (Bellamy Papers.) But in 1707 two Presbyterian ministers from Maryland, Francis Makemie and John Hampton, visited New York, and preached in that city and on Long Island. Lord Cornbury arrested them as strolling preachers. They were thrown into prison, and Makemie was indicted and tried upon the charge of having preached without being qualified or permitted, and of having used other rites and ceremonies than those of the Common Prayer. The trial resulted in his acquittal; and the Governor's course was generally, perhaps universally, condemned. Colonel Morris wrote home, lamenting "a procedure by no means warrantable, and that alarms all mankind here. My Lord's arbitrary conduct with respect to this man, and his example together, have so soured a great many, that subscriptions

are getting to build a Dissenting Meeting House in that City, and a support will be provided for one of their Ministers." (Correspondence G. P. S.)

It has been urged that the exercise of Cornbury's tyranny was not confined to Presbyterians; and it is very true that the outrages committed in the case of Makemie and Hampton were more than equalled by the cruelties inflicted upon two of the Society's own missionaries, Moore and Brookes. But what it concerns us here to notice is the line of argument pursued by the Governor and his apologists in the attempt to justify his action. At Makemie's trial the Attorney-General asserted the Queen's supremacy as Head of the Church, and read her Instructions to the Governor. Cornbury himself, writing to the Lords of Trade, sought to defend his course by reference to the Act of Toleration and to the penal statutes, thinking it "very plain by the Act of Toleration it was not intended to tolerate or allow strolling preachers, but only that those persons who dissent from the Church of England should be at liberty to serve God after their own way in the several places of their abode, without being liable to the penalties of certain laws." In this, as in his other procedures toward Non-conformists, Cornbury assumed that the Church of England, by law established in the mother country, was equally established in the provinces. None of the succeeding Governors asserted this doctrine so offensively, or enforced it in a manner so arbitrary and illegal. Yet the Presbyterians of the city of New York were subjected throughout the remainder of the colonial period to a treatment which accorded well with the principles avowed and put in practice by Cornbury.

For some years the little congregation kept together, meeting for worship in private houses. They were without a settled minister. "Mr. Vesey hath by his good conduct," wrote Colonel Heathcote in 1716, "frustrated all the designs of dissenting ministers from settling among us; a happiness," he adds, "no city in North America can boast of besides ourselves." Six months later the congregation secured a pastor. The corporation of the city granted them the use of the City Hall for their public services, until in 1719 they built a church on Wall street, near Broadway. In March, 1720, the minister and officers of the congregation presented a petition to the Legislative Council of the colony, praying for a charter of incorporation. The petition was referred to a committee who reported the next day to the President of the Council, in the Governor's absence, giving it as their opinion that the petitioners' prayer might be granted. An unexpected opposition to the measure, how-

ever, influenced the Council to defer action. Representations were made in behalf of the "Rector and Church Wardens of Trinity Church of New York against the Petition." The Council advised that the whole subject be referred to the Lords of Trade for their consideration, and here the matter was dropped.

On the arrival of Governor Burnet soon after, a second application was made to the provincial government in the autumn of the same year. The Governor himself "spoke favourably of the design," but again it was opposed, and no action was taken in the matter. Four years later, the petition having been pressed, the Council referred it to the Lords of Trade for their consideration. The legal adviser of the Board, counsellor West—afterwards Lord Chancellor in Ireland—expressed the opinion that "by law such patent of incorporation may be granted." The request, however, remained unfulfilled. Thwarted in this attempt to obtain a legal recognition, the congregation in 1730 conveyed the fee-simple of their church and ground on Wall street to a committee of the General Assembly of the Church of Scotland, and by that committee the property was held in behalf of the congregation down to the period of the Revoluti

The will of Dr. John Nicoll, an honored member of the Presbyterian Church of New York, and one of its most zealous and efficient supporters, who died in 1743, contains a bequest, which illustrates the awkwardness of this arrangement for the tenure of the church property: "The rest and residue of my Estate, both real and personal, I give and bequeath to the Moderator of the General Assembly of the Church of Scotland, the Moderator of the Presbytery of Edinburgh, the Principal of the College of Edinburgh, the Professor of Divinity therein, and the Procurator and Agent for the Church of Scotland for the time being, and their successors in office for ever, Trustees for the Presbyterian Church of the City of New York, to be by them or their constituents put out to interest upon good security, and the incomes thereof laid out to the best Advantage for the Relief of the poor, especially poor Widows and Orphans belonging to the said Church." (Will in Surrogate's Office, New York, signed 14 June, 1742; proved 4 October, 1743.)

But in 1759 it was thought expedient to apply for the fourth time to the Government for a charter. Serious inconvenience had arisen to the church from a lack of corporate powers. There was reason to hope that the application would meet with a more just and generous consideration on the part of the Council. Mr. De Lancey, the Lieutenant-

Governor, "had frequently expressed his abhorrence of the illiberal and unjust refusal which their former applications had met." But the hopes awakened were disappointed. The petition was referred to a committee, and then quietly set aside.

A fifth application was made in the year 1766. The congregation had greatly increased in numbers. It had been found necessary to enlarge the church on Wall street, and a project was now entertained for the erection of a second house of worship. "The petition of John Rodgers and Joseph Treat, the present Ministers of the Presbyterian Church of the City of New York," dated the 18th of March, 1766, sets forth the reasons for their request. The Presbyterian subjects of the Crown, Dutch and English, in the province of New York, are a great majority of the whole number of the inhabitants. There is no general establishment of rates for the building of churches and the support of ministers. The whole charge of supporting the worship of God is defrayed by voluntary contributions. Every congregation stands in need of some property for sacred uses, and to hold such property needs to be incorporated; and the petitioners are very desirous to secure their church and the cemetery adjoining, and also to acquire a further estate for the better support of the Gospel. Inasmuch as some doubt has arisen with regard to the power of the Governor to grant a charter in such a case, they make their request directly to the King in Council. In urging the expediency of granting it, they represent that the old Statutes of Uniformity do not extend to America, and that the growth and prosperity of the King's dominions in America depend greatly on the enjoyment of liberty of conscience, and an impartial treatment for his Protestant subjects of every denomination, "especially those of the two Communions established in Great Britain."

The petition was duly presented, and was referred by the Royal Council to the Lords of Trade for consideration. Lord Dartmouth, the President of that Board, was known to be friendly to the object. To the Board itself the petitioners' request appeared "in the general and abstracted view of it . . . to be no ways improper or unreasonable." But before reporting upon the case the Lords of Trade saw fit to inquire of the provincial government why it was that the prayer for a charter had not been granted when presented at an earlier day. The answer of the Council of New York to this inquiry was delayed for some months, and failed to throw much light on the subject. They stated that about the same time with the Presbyterians, or shortly after, several other congregations—Lutheran, Dutch, and French—had made

similar requests for incorporation. In the case of the first of these, the Lutheran Church of New York, the committee to whom the petition was referred had reported favorably, advising that a charter be granted. But the Lords of Trade, to whom the petition was transmitted, had not seen it to be necessary or expedient to grant it. The Council now perceive no difference in the circumstances of the present petitioners whereon to ground any preference in their favour. As to the assertion contained in the petition, that "the old English Statutes of Uniformity do not extend to America," the question is one which to them seems "necessary to be determined on the highest authority, previous to any final resolution on the petition, lest such incorporations might be considered as repugnant to the provisions of those Statutes." (N. Y. Col. Documents, VII. 846.—Doc. History of N. Y., III. 503.)

Pending the arrival of this answer from New York, the Lords of Trade had submitted the petition of the Presbyterians to the Bishop of London, who was already informed of the project through his American correspondents. The wise and moderate Archbishop of Canterbury, Dr. Secker, was in turn consulted. Dr. Secker saw nothing very formidable in the request. It is "made only for one Church, not for the Presbyterians in general, as our American correspondents represented it." Some of these had "mentioned the application as a scheme to unite the Presbyterians of those countries with the Church of Scotland;—nothing of that sort appears in it. The connexion of the New York Presbyterians with that Church was occasioned only by their not being a Corporation, and will cease if they are made one." Upon the whole, however, thought Secker, the request might be denied without giving ground of complaint. If to grant it "will assist them to grow upon us and increase their superiority over us, of which in this very petition they boast, leaving them in the present state, which doth them no injury, is surely more prudent than raising them at all higher." (Correspondence G. P. S.)

At length, on the 10th of July, 1767, the Lords of Trade made their report. They concurred with the Council of New York in expressing the doubt whether his Majesty, consistently with his Coronation Oath, could create such an establishment as the petition requested in favor of the Presbyterian Church. But without presuming to decide upon a question of so great importance, they gave it as their opinion that it was "not expedient, upon principles of general policy, to comply with the prayer of this petition, or to give the Presbyterian Church

of New York any other privileges and immunities than it" was "intituled by the laws of Toleration." (N. Y. Colonial Documents, VII. 943.)

The question whereon so grave a doubt was expressed in both countries at so late a day—only a few years before the period of the Revolution—seems to have been an open question from the first. Was the Church of England, to the securing of which as by law established in the Realm the King was pledged by his coronation oath, possessed of the same superior and exclusive rights in the colonies as at home? Did the Act of Uniformity, made in the thirteenth year of King Charles II., "and all and singular other Acts of Parliament" still "in force for the establishment and preservation of the Church of England," which by the same coronation oath the King was engaged to maintain, apply and extend to the provinces? The Government did not lack advisers, who were ready and anxious to give a categorical answer. "The Church of England being established in America," said Dr. Sherlock, Bishop of London, "the Independents and other Dissenters who went to settle in New England could only have a Toleration." (N. Y. Col. Documents, VII. 365.) The opinion was echoed by humbler voices across the water. "Those who dissent from the National Religion," wrote Dr. Chandler of Elizabeth, New Jersey, "have no natural right to any degree of civil or military power." (Appeal to the Public, 109.) "By indulging the Presbyterians with Royal Charters, they will be put upon an equality with the Established Church of the Nation," said Dr. Auchmuty of New York. "I don't envy them," wrote Wetmore of Rye some years earlier, "any benefits of the Act of Indulgence, but should be sorry to see the propagation of their doctrine and sect dignified with a Royal Charter." (Correspondence G. P. S.)

But what were the "benefits of the Act of Indulgence"? And what were the provisions of the Acts of Religious Uniformity, to the penalties of which in the earlier days of the American Colonies, before the passage of that Act, non-conformists might have been thought obnoxious even in these remote dependencies of England? Until the passage of the Toleration Act in the year 1688, persons failing to repair to the parish church were subject to a fine of one shilling for each offence; or by a later statute, to a fine of twenty pounds per month; or by a still later one, to the forfeiture of all goods and two-thirds of lands and leases. Any person above sixteen years of age frequenting conventicles, or persuading others to do so, was liable to imprisonment until he should conform himself and make submission. Administering

the sacraments in any other form than that prescribed in the Book of Common Prayer, was punishable with a fine of one hundred pounds for each offence. Preachers at conventicles, and every person suffering a conventicle to be held in his house, barn, or yard, were fined twenty pounds.

The Act of Toleration in the first year of William and Mary, exempted Protestants dissenting from the Church of England from the penalties of these laws; but there were other disabilities and restrictions under which they continued to suffer. Non-conformists were still by law denied a place in municipal corporations. Non-conformist schoolmasters were held incapable of keeping schools, and might be committed to the common gaol for three months for so doing. Dissenting ministers were relieved from former penalties only upon taking certain oaths. No dissenting place of worship could be opened until certified to the Bishop of the diocese. The system of tithes, with its "many and grievous mischiefs," was still in force. Church rates and other religious exactions remained. Some of these oppressive requirements have only been repealed in our own day, others still exist in England—all of them existed under the Toleration Act, and down to the time of the Revolution. (History of Church Laws in England, by E. Muscutt.)

Did the laws of religious uniformity, and all the provisions for the establishment of the Church of England, extend to America? Wise men might hesitate to answer positively in the affirmative. The founders of some of the colonies had left Great Britain to escape from the hardships felt under the pressure of those very laws. It was fairly objected to such a theory, that if a doubt had been started at the time of the original emigrations as to the autonomy and equality of all Protestant denominations in the colonies, the movement would have taken a very different shape, and "these immense possessions on the continent of America would not have been subject to the British Crown." It was not so clear to all, even in England, that the ecclesiastical system of that country was established by force of law in America. While one Bishop of London pronounced in favor of the doctrine, another was equally explicit in denying it. "My opinion has always been," wrote Bishop Gibson, Sherlock's predecessor, in 1735, "that the religious state of New England is founded in an equal liberty to all Protestants, none of whom can claim the name of a national establishment, or any kind of superiority over the rest." One of the highest legal authorities in the kingdom had already taken this position.

"Upon consideration of the several Acts of Uniformity that have passed in Great Britain," said counsellor West, afterwards Lord Chancellor in Ireland, "I am of opinion that they do not extend to New York; and consequently an Act of Toleration is of no use in that Province." The Government, from motives of policy, if from no superior considerations, seems to have acted in general upon this presumption. Even the Royal Instructions to the Governors of the province at first indicated such a course. The Instructions, it is true, were without the force of law. They were given, not by virtue of any Act of Parliament, but in that exercise of the royal prerogative by which the sovereign assumed sole jurisdiction over the colonies—a jurisdiction which at a later day Parliament alone was acknowledged to possess.

The commissioners sent by Charles II. in 1664 to the American Plantations were directed to avoid all interference with the religious faith and worship of the colonists. "Since the great and principal ends of all those who first engaged themselves in those Plantations, in which they have spent much time and money, was liberty of conscience, . . . you are to be very careful . . . that nothing be said or done from which the people there may think that there is any purpose in us to make any alteration in the church government, or to introduce any other form of worship among them than what they have chosen;" for "we could not imagine it probable that a confederate number of persons, who separated themselves from their own country and the religion established, principally if not only that they might enjoy another way of worship, declared unto them by their own consciences, could in so short a time be willing to return to that form of service they had forsaken." The Commissioners were enjoined to guard themselves against a class of persons that "pretend to have a great prejudice against the form of religion there professed, and as great a zeal for establishing the Book of Common Prayer, and it may be the Episcopacy itself, and the whole discipline of the Church of England." (N. Y. Col. Documents, III. 58, 59.)

The Instructions given to the succeeding Governors, Andros and Dongan, were of a similar tenor. They were to "permit all persons of what religion soever quietly to inhabit within the precincts of their jurisdiction, without giving them any disturbance or disquiet whatsoever, by reason of their differing opinions in matter of religion."

Other directions followed that were seemingly in conflict with this liberal policy. From Dongan's administration till that of Governor

Hunter, instructions were given, almost in a stereotype form, relative to the settlement of religion. "You shall take especial care that God Almighty be devoutly and duly served throughout your government, the Book of Common Prayer, as it is now established, read each Sunday and holyday, and the Blessed Sacrament administered according to the rites of the Church of England." Governors were authorized to collate ministers to benefices, to remove them if scandalous, and to supply vacancies made by such removals. No minister shall be preferred to any ecclesiastical benefice without a certificate from the Archbishop of Canterbury, and all countenance and encouragement shall be given to the exercise of the ecclesiastical jurisdiction of the Archbishop, so far as it may conveniently take place. The only material change in these instructions after Dongan's time was the substitution of the name of the Bishop of London for that of the primate. (N. Y. Col. Documents, III. 372, *seq.*)

It is quite likely that these instructions may have been inspired by a spirit which was at times very powerful in the British Court. During the reign of Queen Anne the party holding extreme views with regard to the rights and the authority of the Church—the High Church party, as it then came to be called—possessed a controlling influence with the sovereign. It would have been consistent certainly with these views to affirm the establishment of the Church of England in the colonies, and to seek through the ministers of the Crown to follow those who dissented from that Church with the same repressive measures that were in force in the mother country. Thus we have seen that Lord Cornbury's lawyer referred to the Royal Instructions in justification of his treatment of Makemie, and that Lord Bellomont before him rejected a bill for the Settlement of a "Dissenting Ministry," because "contrary to his Majesty's Instructions." And thus Fletcher, still earlier, had claimed the power, which the Assembly refused to acknowledge, to collate and suspend any minister in his government, "by virtue of their Majesty's letters patent."

On the other hand, it was urged that the Royal Instructions could only relate to ministers of the Established Church who might be settled in the provinces, asserting the Bishop's jurisdiction over them, and over the congregations that observed the ritual of that Church, and committing to the Governor certain powers for the furtherance of that jurisdiction. That such was the intent of the Government seems evident now. The earlier Governors made no attempt to carry out their instructions in the broad sense which would make them apply to

non-conformist ministers and churches. "The Government itself here at home," said the Bishop of Hereford in 1718, "sovereign as it is, and invested doubtless with sufficient authority there, hath not thought fit to interpose in this matter." . . . "In truth, the whole was left to the wisdom of the first Proprietors, and to the conduct of every private man." (Sermon preached before the Society, etc.)

The language of the Commission given by George II. in 1728 to the Bishop of London, for exercising jurisdiction in the American Colonies, seems conclusive as to the meaning of the Government. The jurisdiction given was "spiritual and ecclesiastical." It extended to "all churches in the Colonies, in which Divine Service, according to the rites of the Church of England, shall have been celebrated," and to "the rectors and incumbents belonging to said churches, and to all presbyters and deacons admitted into the holy orders of the Church of England." The Bishop had power by himself or his commissaries to visit these churches, to cite ministers, to hear and determine appeals, and to pronounce judgment, according to the laws and canons of the Church of England. By the terms of this commission, the authority given is expressly limited to the clergy and the congregations of that spiritual fold. There is no intimation of a more extensive claim. There is nothing to favor the theory of an ecclesiastical establishment by law in the provinces. (N. Y. Col. Documents, V. 849.)

But the failure of the British Government to assert such a doctrine, or to act upon it, appears still more conspicuously in connection with the question of appointing Bishops for the colonies. The Church of England congregations in America were placed at an early day, as we have seen, under the care of the Bishop of London. The inconveniences arising from such an arrangement were many and serious, and the need of a colonial episcopate was manifestly urgent. This need was strongly represented to the Government, not only by the Anglican clergy in America, but also by influential persons at Court. It was supported with arguments, which to us at the present day appear most convincing. The churches of that communion in the colonies were destitute of ministrations which they regarded as vitally important; while the ministers were shut off from the counsel, oversight and discipline which their ecclesiastical system contemplated. The Bishop of London was "a cypher." His jurisdiction amounted to very little. It was confined to the clergy. As for the people, "the Dissenters of all kinds, upon the mere foot of toleration," said Bishop Sherlock, "are in a better case." (N. Y. Col. Documents.) They were deprived

of confirmation for their youth, and, except at the cost and risk of a voyage to England, of ordination for those who felt themselves called to the Holy Ministry. The disadvantages and hardships of this condition of things continued for many years to be the burthen of appeals and remonstrances addressed to the Government. But the Government turned a deaf ear to them. No Bishops were sent, nor does it appear that there was ever a settled purpose to send any.

The refusal of a request so manifestly reasonable and wise in itself, can only be understood in one way. The Government was unprepared to assume or to proclaim the establishment of the Church of England in the colonies. The colonies were violently opposed to any such action, and jealous of any indication of a design to adopt it.

The proposal to send over a bishop would "give a great alarm to the several colonies, as it did in K. Charles y^e 2ds time, when there came over Petitions and addresses with all violence imaginable." (Observations of the Bishop of London regarding a Suffragan for America, Dec., 1707.—New York Col. Documents, V. 29.)

"[I] do not think that the ministry have any intention at present of sending a bishop among you," wrote William Gordon to Dr. Bellamy, in 1769. "They will scarce venture upon irritating yet more, especially if they believe a war probable, as they will want troops from the colonies to act against the French & Spaniards in America. I doubt not but they repent heartily of the steps they have taken already, tho' they are ashamed to reverse them." (Bellamy Papers, Mss.)

The appointment of bishops would infallibly be construed as the evidence of such a design. In vain it was urged that nothing of the sort was in contemplation; "nothing," the pious and prudent Archbishop Secker declared, "at which Christians of any denomination have cause to be alarmed; but merely a provision that those of our Communion in the Colonies might have that complete and easy exercise of every branch of their religion which others there have, and would complain bitterly if they had not;" that "we are for sending persons of our own order into America, not to claim the least jurisdiction over them, but merely to ordain Ministers for Episcopal Congregations, without the trouble, expense, and hazard of a voyage to England—a burthen to which if they were subjected they would think insupportable; to confirm from time to time the youth of those congregations—a practice which rightly or wrongly we hold in high esteem; and to exercise such discipline in those congregations only, as they exercise by ordained Presbyters or lay Elders;—which discipline of ours would no more

hurt them than theirs hurts us. To these representations they will pay more regard if we are careful not to give them unnecessary offence in any thing." (N. Y. Col. Documents, VII. 348, 349.)

This was sound reasoning and excellent counsel. But neither the argument nor the advice of the good Archbishop seems to have been greatly heeded in the colonies. The advocates of the plan for bringing bishops to America were hardly judicious in their choice of methods to promote that plan. Their language was often such as to justify the impression that in seeking an American episcopate they were aiming at an ecclesiastical establishment. Changes were rung more loudly than ever upon "Conformity" and "Dissent." Incautious admissions were made. There were hints that the bishops might, without hardship, be supported by "a general Tax laid upon the Country;" and that the government might "see fit hereafter to invest them with some Degree of civil Power worthy of their Acceptance." (Appeal to the Public, 107, 110.)

The application of the Presbyterians of New York for a charter continued to be strenuously opposed; and the opposition was grounded upon the paramount right of the Church of England in the province. Even the excellent Archbishop Secker objected to the request: "That any of the powers and privileges they ask should be greater than the Episcopal churches enjoy, is evidently unreasonable. That any should be equal is derogatory from the just pre-eminence of the established religion." (Correspondence G. P. S.) "By the granting of the petition," wrote a leading clergyman of New York, "the National Religion in this province would have received a most fatal blow." The government was held to be in duty bound to show special favor to the Anglican Communion. Representations were made of the "importance of having good Governors, well attached to the Church, and well disposed to espouse her interest and that of true religion, upon all occasions," sent out to the provinces. Complaint was made of Governor Belcher, of New Jersey, that he had "not shown all that countenance to the Church she had a right to expect, while the Dissenting Meetings there have been highly favored;" and a successor was recommended, a "hearty friend to the establishment of our nation both in Church and State."

The correspondence of some of these advocates for the scheme of bishops places their views before us in a clearer light perhaps than that in which they were beheld at the time. But the sentiments thus expressed were doubtless betrayed in other ways; or if not, they were shrewdly surmised. Hence the opposition which the scheme awak-

ened; an opposition which at first sight seems unaccountable. The Presbyterian ministry were forward in this opposition. "Our fears would not be so much alarmed," said they, "could any rational method be devised for sending over bishops among us, stripped of every degree of civil power, and confined in the exercise of their ecclesiastical functions to their own society; and could we have sufficient security that the British Parliament that would send them over, thus limited, to gain a peaceable settlement here, would never be induced by their complaints for the want of power, to enlarge it at any future period. But it is very evident that it is not that harmless and inoffensive bishop which is designed for us, or which the missionaries among us request; and therefore we cannot but be apprehensive of danger from the proposed episcopate, however plausible the scheme may be represented."

"There 's a general apprehension among our brethren, that the government will send over some Bishops to settle in America. If it is only in the Episcopal colonies, I can't see that the dissenters will have any right to blame, tho' they will have cause to fear, for when once Episcopacy has got a footing, there's no knowing where it will stop. It will be well, should it not prove a wen to our American territories which tho' at first it may be inconsiderable, & may continue so for many years, may at length increase so fast as to be not only very noxious to the sight but dangerous to the body politick, & render it necessary to attempt cutting it off, though at the hazard of the State." (Rev. William Gordon to Dr. Bellamy; London, 21 Aug., 1764.—Bellamy Papers, Mss.)

Others beside the Presbyterian clergy shared these fears. "A general and just apprehension" existed, said John Adams, "that Bishops, and dioceses, and churches, and priests, and tithes, were to be imposed upon us by Parliament. If Parliament could tax us, they could establish the Church of England, with all its creeds, articles, tests, ceremonies, and tithes, and prohibit all other Churches as conventicles and schism-shops." In the light of history, however, these apprehensions certainly appear to have been exaggerated. The British government showed no zeal for the scheme. The attention of the ministry could not be gained to it. (Bancroft, IV. 427; Life of Dr. S. Johnson, 297, 325.) The friends of the cause complained loudly of the indifference with which it was treated by statesmen.

Yet the right of Parliament to exercise its universal and unlimited power over the colonies, in this direction as in any other, was asserted. The Stamp Act for America, passed in 1765, made mention, among

the papers that were to be stamped, of the several instruments of ecclesiastical law used in the courts of ecclesiastical jurisdiction. "Grenville reasoned, that one day such courts might be established in America." (Bancroft, v., 243.) Much, undoubtedly, of the fear and the hostility engendered, was due to the course pursued on this side of the water, by the earnest advocates of the measure, those most interested in the success of the measure.

But while for prudential reasons the government refrained from any action which might be construed as an attempt to set up a State Church in America, was there foundation in law for the claim that the Church of England existed here of necessity and by right as the National Religion? This question was profoundly discussed by the Presbyterian lawyers of New York, about the middle of the last century. They argued that while CHRISTIANITY was a part of the common law of England, which was in force in every English colony, no one form or system of Christianity in preference to another was recognized or enforced by the common law, as it applied to the colonies. While it was true that every new colony, until capable of making its own laws, remained subject to the laws of the country from which it had sprung, to suppose that all the laws of that country, without distinction, were binding upon the colony, was absurd in itself, and inconsistent with the scheme of colonization. If the planters of every new colony carried with them the established religion of the country from which they migrated, then, had this province been settled when popery was dominant in England, the Romish religion would have been the established religion here. If the subjects of a king were bound to profess the faith of their sovereign, then the province of New York, acquired during the reign of a popish king, should have been from the first a popish province. The King indeed was "supreme head of the Church as by law established in England;" but his prerogative did not extend to the making of law and the establishing of religion in the colonies; nor had he exercised such a right. Royal charters had been granted permitting the colonies of Rhode Island, Connecticut and Massachusetts to make their own religious establishments. Lord Baltimore, under the patent which he obtained from Charles I., established Christianity in Maryland as a part of the old common law of England, without allowing any pre-eminence to any particular form of its exhibition. The charter granted by Charles II. to William Penn, gave "equal privileges to all religions" within his province. And the Duke of York, clothed with the powers of government in this province, under his brother,

James II., proclaimed the free exercise of the Protestant religion, with liberty of conscience to all of every religious name, throughout his territories.

The policy of the British government, however, continued to the last to be characterized by indecision with reference to this subject. "Constitutional questions of great difficulty," in the judgment of the King and his ministry, were raised by the application of the Presbyterians of New York for a charter, when in 1775 their prayer was once more considered by the royal Council. This time the request was not a solitary one. A number of congregations in the provinces had presented similar petitions. Lord Dartmouth, writing to the Governor of New York on the 4th of May in that year, expressed the doubt which had occurred to the King and Council, "whether such Charters would not have the effect to give an establishment inconsistent with the Principles of the Laws of England." "If, however," added the minister, "upon consideration of the several cases in which this privilege is now requested, the Law Servants of the King in the Province, and the Council whom you will consult upon them, shall be of opinion that they are free from any difficulty of such a nature, it is the King's pleasure that you do grant such charter of incorporation." (N. Y. Col. Documents, VIII. 572-4.) The issue of this course of hesitation on the part of the home government was in keeping with its whole tenor. On his return to New York in the summer of 1775, Governor Tryon "imparted the pleasing intelligence to the several petitioners" that he had obtained an order from the King and Council to grant all the charters for which application had been made. In consequence of this, "the ministers, elders, deacons, and trustees of the Presbyterian church in the city, in compliance with a form which they were told was necessary, presented another petition to the Governor and Council, accompanied with a draft of the charter for which they prayed. This petition was favorably received; the charter, as drafted, actually passed the Council, and was put in the hands of Mr. Kemp, the King's attorney, to report thereon. The report of this officer was made necessary by the tenor of the royal order, but was at the same time considered as a mere formality, and a favorable report as a thing of course, after the step which had been taken. In this, however, the persons concerned were deceived. Neither the charter, nor his report upon it, could ever be gotten out of the attorney's hands. On one frivolous pretence or another he delayed from time to time, until the approach of the revolutionary

struggle, which, while it rendered the congregation less solicitous about obtaining a charter, attracted and fixed their attention on other subjects."

But the problem so beset with difficulties, to the minds of British sovereigns and statesmen, was viewed in a very different light by the colonial Governors of New York. "To me," said Governor Tryon, the last of these worthies, "it appears clear . . . that the National Church of England is established within this Colony [and] that the provision by the Ministry Acts . . . was intended and can only be applied for the support of the Clergy of that Church." (Doc. Hist. N. Y., III. 336.) It is a significant fact that some of the worst of the colonial Governors were the most pronounced and unfaltering supporters of the theory of a Church Establishment in the province. The insolence of a Fletcher, a Cornbury, a Tryon, found natural expression in words and acts contemning the religious convictions and rights of the people under their misrule. And undoubtedly the sense of injustice that rankled in the public mind, in view of the perversion of law and abuse of power with reference to liberty of conscience, contributed greatly to the growing dissatisfaction, throughout a large part of the century preceding the Revolution.

Meanwhile, during the quarter of a century immediately preceding the Revolution, a discussion of the whole subject of religious rights, important for its effect upon the popular mind, as well as for the ability displayed in its prosecution, was conducted through the public press by the leading men of the Presbyterian Church in New York. Three of these were eminent lawyers. A fourth was the young pastor of the Wall Street Church, Alexander Cumming, whose spirited appeals and cogent arguments contributed not a little to the force and weight of the pamphlet and newspaper publications of the day. But the names of his parishioners, William Smith, William Livingston, John Morin Scott, are better known in connection with this debate. The battle for religious liberty was well fought, at a time when the great struggle for civil freedom was beginning, by "the Presbyterian lawyers" of New York; and not only for their own religious communion, but equally for other Christian bodies. It is certainly to the credit of these advocates of the rights of conscience, that representing a Church which in Great Britain was a Church by law established—one of "the two Communions" in alliance with the State, the National Church of Scotland—they pleaded the common cause of the Protestant denominations not conforming to the Church of England. By the prominent part they took in this con-

trovery, as well as by their activity in the political discussions of the day, Livingston and his associates incurred suspicion and odium as dangerous men. But their arguments and appeals carried the judgment and the sympathies of the people. The partisans of a Church Establishment were no match for the men who stood forth in defence of the rights of conscience and the freedom of the land from an oppressive ecclesiastical rule. "The Presbyterians in America," wrote one of their opponents in 1766, "have ever been an encroaching and restless sect, and there is great reason to think they ever will be so. Since my first settling in this City, which is now upwards of seventeen years, they have at times been extremely troublesome, and have exerted all their cunning and interest to prevent the increase and prosperity of the Established Church." "The Province is unhappily ruled," wrote another, "by a set of lawyers of that persuasion who take every opportunity of doing the Church all the mischief in their power." (Correspondence G. P. S.)

It was at a late day in the colonial period that the Provincial Legislature of New York sought, to provide by law for the redress of the grievances which had arisen out of a misconstruction of earlier laws, and to assert the principle, now fearlessly proclaimed by the Liberal party, of entire freedom and equality in matters of religion. Persistent efforts in this direction were made in the year 1769 and the two following years by the General Assembly of the province; but each measure, emanating from the popular branch of the Government, was either rejected in the Council, or defeated as effectually by the refusal of the Council to act upon it.

The discussion of this subject in the Assembly appears to have been introduced on the 6th of April, 1769, by Colonel Morris, in a speech thus reported in the proceedings of that body:

"Mr. Speaker: As the preservation of religious liberty is essential to the growth and tranquility of this colony; and a taxation of protestants of all denominations indiscriminately, for the support of the ministers of any one sect in particular, is most palpably partial and unjust; and great discontents have long been occasioned by the ministry acts in the counties of Westchester, New York, Queens and Richmond, in consequence whereof the Episcopal ministers are maintained by taxes upon other persuasions, not even excepting their clergy: I therefore move for leave to bring in a bill to exempt protestants of all denominations in the said counties from the payment of any taxes raised for the support of ministers of a religious persuasion to which they do not belong."

Leave was granted accordingly, and two days later Colonel Morris presented to the House a bill, entitled "An Act to exempt all protestants in the counties of Westchester, New York, Queens and Richmond from any taxation for the support of the ministers of the Episcopal denomination." After a second and a third reading, this bill was passed on the 15th of May. Meanwhile, on the 26th of April, another motion was made in the Assembly by Colonel Schuyler, whose address is likewise reported in the legislative proceedings:

"Mr. Speaker: I move, as the cultivation of the extensive territory in the county of Albany will be highly beneficial to the crown and colony, and as one of the best means to invite settlers will be to encourage the worship of God upon generous principles of equal indulgence to loyal protestants of every persuasion, and as proprietors of large tracts are willing to give small parcels of land for the support of ministers and schoolmasters to aid the new settlers, provided the same can be secured to the pious purposes of the donors; that leave be given me to bring in a bill to enable every church or congregation of reformed protestants in the county of Albany, without discrimination, to take and hold real estates, to the value of [—] per annum, given to them for the support of the gospel amongst them."

A bill to this effect having been introduced, it was passed on the 11th of May, with amendments, which appear in the title. It is "An Act to enable every church or congregation of reformed protestants, that are or hereafter may be set up in that part of this colony which lies to the northward of the counties of Dutchess and Ulster, without discrimination, to take and hold real estates to the value of one hundred pounds sterling per annum, given to them for the support of the gospel, and for the use of schools for the instruction of youth." Both of these bills were defeated in the Council on the 19th of May, a single member, William Smith, Junior, dissenting.

The subject, however, was again introduced in the Assembly in the autumn of the same year. On the 29th of November, 1769, Mr. Thomas asked leave to bring in a bill, which was accordingly submitted on the next day. It was entitled, "an Act to exempt protestants of all denominations from paying any clergyman by compulsory taxation." On the same occasion Mr. DeWitt presented a bill, entitled, "an Act to exempt the inhabitants of the counties of Westchester, New York, Queens and Richmond, from any taxation for the support of the ministers of the churches to which they do not belong." Each of these bills was admitted to a second reading, and then referred to a committee of

he whole House; and the former of the two was passed with amendments, January 16, 1770. The latter bill was subjected to various modifications. As finally passed, it provided "that all such persons as" were "not in communion with the Church of England," should, "from and after the publication of this act, be exempt from paying any part of the said tax; and that such proportions of said tax as" had "been annually paid by persons not being in communion with the Church of England," should "not in future be raised in any of the said Counties, or on any part of the inhabitants thereof."

Both of these bills were still under consideration, when Mr. De Noyellis obtained leave, on the 12th of December, 1769, to present to the Assembly a proposed Act, identical, if we may judge by the title, with that which Colonel Schuyler had introduced in the preceding session, having reference to congregations in the county of Albany. And on the 8th of January, 1770, the case of the inhabitants of the four lower counties of the province came up again for discussion, in a different shape. "A petition of several of the freeholders, in behalf of themselves and others, in the county of Albany, was presented to the house, and read, praying that a bill may be brought in to repeal the act, which compels persons of all denominations in the counties of Westchester, New York, Queens and Richmond, to pay to the clergymen of churches to which they do not belong, and for other purposes."

Before the Assembly had taken final action upon these four bills, a proposition of a very different nature was brought to its notice. On the 11th of January, 1770, Captain DeLancey moved for leave to bring in a bill to amend the Act of 1693 for Settling a Ministry, so far as it related to the city and county of New York. The amendment consisted in an alteration of the time for electing vestrymen for each of the city wards. Such a bill was introduced, and was passed by the House on the 25th of January; and on the following day it was passed without amendment by the Council. Nothing could more plainly indicate the spirit of that body than the fact that, while acceding without hesitation to this insignificant measure, it rejected every one of the important bills above recited, as in turn they were passed by the Assembly and sent up for its consideration.

The subject appears to have been brought up for the last time in the Assembly on the 24th of January, 1771, when Mr. Ten Broeck brought in a bill identical with the proposed acts introduced by Colonel Schuyler and Mr. De Noyellis. It was admitted to a second and a third reading, and was passed on the 26th of January. The Council, however, took no action upon it.

The discussion of this subject was cut short by the Revolution. Time, however, has vindicated the position taken by the Presbyterians of New York. The conclusions they reached have been fully recognized under the British government itself in the colonies that have remained attached to the mother country. The separation of Church and State is as complete to-day in Canada and Australia as in the United States. At one time or another the Church of England had been established by law in each of those dependencies of the British crown. But this establishment was by virtue of special laws enacted in the colonial legislatures; and by the same authority the connection between the Church and the provincial government has been terminated. In New York, as we have seen, no such legislation ever occurred.

Already, before the outbreak of the Revolution, the great principle for which the Presbyterian lawyers of this province contended had received the highest legal authority of the day. Among the laws of the mother country not extending to English plantations in the colonies, said Sir William Blackstone, those relating to "the mode of maintenance for the established clergy, the jurisdiction of spiritual courts, and a multitude of other provisions, are neither necessary nor convenient for them, and therefore are not in force." (Commentaries, I. 107.) And the Revolution had scarcely begun when that principle was embodied in the first Constitution of the State of New York, prepared in the year 1777. After confirming such parts of the English Common Law, the Statutes, and the Colonial Acts, as together formed the law of the province on the 19th of April, 1775, the 35th section of that constitution provides: "That all such parts of the Common Law, and all such of the said Statutes, and Acts aforesaid, or parts thereof, as *may be construed* to establish any particular denomination of Christians or their ministers, . . . be, and they hereby are, abrogated and *rejected*."

CHARLES W. BAIRD

APPENDIX

CHURCHES IN THE PROVINCE OF NEW YORK BY THE YEAR 1700:

DUTCH REFORMED CHURCHES.—New York (1628), Albany (1642), Bushwick (1654), Flatbush (1654), Flatlands (1654), Gravesend (1655), Kingston (1659), Brooklyn (1660), Harlem (1660), New Utrecht (1677), Schenectady (1681), Staten Island (1690), Tappan (1694), Fordham (1696), Tarrytown (1697). In all, fifteen. (*Discourse on the Character and Development of the Reformed Church in the Colonial Period*, by Edward T. Corwin, D.D., p. 64.)

FRENCH REFORMED CHURCHES.—Staten Island (1665), New York (1683), New Paltz (1683), New Rochelle (1688). In all, four.

GERMAN REFORMED CHURCH.—Livingston Manor (1700). (Rev. Dr. Corwin's *Discourse*, u. s.)

ENGLISH PRESBYTERIAN CHURCHES.—Southold, L. I. (1641); Southampton, L. I. (1641); Hempstead, L. I. (1645); Easthampton, L. I. (1652); Newtown, L. I. (1660); Huntington, L. I. (1665); Bridgehampton, L. I. (1670); Setauket, L. I. (1671); Jamaica, L. I. (1672); Rye (1677); Bedford (1680); Westchester (1685); Eastchester (1685). In all, thirteen. (Thompson's *History of Long Island*; Macdonald's *History of the Presbyterian Church of Jamaica, L. I.*; Bolton's *History of Westchester County, N. Y.*, etc.)

GERMAN LUTHERAN CHURCHES.—New York (1671), Albany (1673). (Brodhead's *History of New York*, II., 174; *N. Y. Col. Doc.*, II., 617.)

CHURCH OF ENGLAND.—Service in the Dutch Church in the Fort, New York (1664); Trinity Church, New York (1697). (Brodhead's *History of New York*, II., 44; *Doc. Hist. of N. Y.*, III., 409.)

DUTCH AND FRENCH PRESBYTERIANS.—The name *Presbyterian* belongs in every sense as much to the Reformed Churches of Holland, France, Switzerland and Germany as to those churches in the British islands that have adhered to the Calvinistic system of doctrine and ecclesiastical polity. Indeed no better exemplification of that system has ever been given than that which was given in France, until broken

up, under Louis XIV., by the laws that interdicted its Colloquies and Synods, or that which was maintained in Holland until the early part of the present century. It is therefore difficult to refer seriously to the plea set up by certain partisan writers in the last century, that the Reformed Dutch Church was not properly Presbyterian, and though "not Episcopal exactly," yet had many points of sympathy with the ecclesiastical polity of the Church of England. Such an impression may have been due in a measure to the fact that there were in the colonial time some features in the *condition* of the Dutch and Anglican Churches in this province that were not unlike. In the case of each of these churches, the governing power was out of sight. The Dutch congregations in America were ruled by the Classis of Amsterdam, even as the Church of England congregations were subject to the Bishop of London. Candidates for the ministry, in the one church as in the other, were obliged to go to the mother country for ordination. It is not altogether strange that the friends of prelacy should have seen a modified episcopate in the State Church of Holland. The members of Classis seemed at this great distance to be a separate order of clergy, clothed with powers of ordination and government that were denied to ordinary ministers, such as those that were sent to officiate here. (*The American Whig*, etc., printed by John Holt; 1768, p. 159.) The *deputatus synodi* especially, it was thought, must certainly be a kind of bishop. This impression may have been aided by the liturgical character of the Reformed worship as practised by all the continental churches; and by the *prestige* surrounding a National Church established in Holland, like the National Church in England, by law. Nevertheless it was Presbyterianism, pure and simple, that the Dutch settlers brought to this land.

"The Reformed Churches of Holland, France, Germany and Geneva were all as really Presbyterian as that of Scotland." (Rev. Samuel Miller, D.D.)

The Heidelberg Catechism was approved at an early day by the Church of Scotland, and a place was given to it among the symbolical books of that Church. (Dunlop's *Confessions of the Church of Scotland*; Rev. Dr. Schaff's *Credentials of Christendom*, I., 682, 697.)

"In point of age the (Reformed Dutch) Church is the oldest on the American continent of all the Presbyterian or Reformed Churches. This fact is recognized by the Europeans who are familiar with the history of American Churches. We accept their designation, 'the Oldest Presbyterian Church in America,' with a full understanding of the responsibility and duties involved in it." (Rev. Philip Peltz, D.D., in *The Catholic Presbyterian*, April, 1879.)

In 1744 the deputies of North and South Holland wrote to the Synod of Philadelphia, requesting information about the Dutch and German churches of Pennsylvania, and asking whether the Synod would be willing to take those churches under its care.

Many facts illustrating the oneness of the system represented by the Church of Scotland and the continental churches might readily be cited. It is enough to say, that a comparison of their standards of doctrine and discipline will make this clear, and will correct a misapprehension shared with the pamphleteers of the last century by some of the most accurate historians of our own day.

As for the English congregations gathered on Long Island and Westchester county prior to the beginning of the eighteenth century, they were known from the first as "Presbyterian," though as yet no Presbytery had been constituted in this country. Their founders came from Connecticut, a colony of which the principal friends and patrons, and many of the planters, were Presbyterians. All these churches came under the care of Presbyteries, when this became practicable. (Gillett's *History of the Presbyterian Church*, I., 33 seq.)

CORNBURY'S AMENDMENTS. — The amendments to the Assembly's bill, offered by Lord Cornbury's Council, 7th July, 1705, are significant. They will be found in N. Y. Colonial Mss., Office of the Secretary of State, Vol. L.,

pp. 118, 161. The fourth section of the proposed Act provided that upon the death of the incumbent in each place designated, the vestrymen and church-wardens of that place should be empowered to call and present a good, sufficient Protestant minister within one year, "which Ministers shall respectively be instituted and inducted to the said Churches." This language, while recognizing the Governor's right to induct—a right which had not been accorded by the Act of 1693—made it obligatory upon him to induct the minister so presented. The Council's amendment substituted for the words above quoted the following words: "in order to be instituted and inducted," etc. So amended, the Act could have been interpreted as leaving it to the Governor's discretion whether to induct or to refuse induction.

Another amendment consisted in the addition of a clause to the sixth section of the bill, extending the operation of the Act of 1693 to the tract of land in Westchester county known as the Mile Square—a tract exempted out of the Yonkers patent, and therefore not embraced in the parish limits described by the earlier Act. The extension was inconsiderable, but the Assembly was perhaps unwilling to enlarge in any direction the scope of the law which the present bill was intended to explain.

A third change proposed by the Council was the substitution of the word "*Toleration*" for the word "*Indulgence*" in the fifth section of the bill, which has been quoted in the text. The proposal was characteristic. Cornbury was strenuous on the subject of *Toleration*; his conception of which took shape in the treatment of Francis Makemie. See also his Commission to "Mr. Francis Goodhue," Licencing and *Tollerating* him "to be Minister of the Presbyterian Congregation at Jamaica, . . . & to have & to Exercise the free Liberty of" his "Religion . . . during so Long Time as to me shall seem meet." (Doc. Hist. of N. Y., III., 210.)

PRESBYTERIAN SERVICES IN THE CITY HALL. — "For near three years after Mr. Anderson's settlement in New York, he and his infant congregation assembled for public worship in the City Hall, the use of which was liberally granted

them for that purpose by the corporation of the city." *Memoir of the Rev. John Rodgers, D.D.*, by Samuel Miller, D.D.)

I examined the Records of the Common Council with little expectation of finding any reference to this fact. I was gratified by the discovery of the following minute, now published, I believe, for the first time, an illustration of the accuracy of Dr. Miller's memoir:

"City of } Att a Common Council held at the
New York. } City Hall of the said City, on Wednesday the 16th day of April Anno Dom 1718 * * *

"The Petition of Messrs Gilbert Livingston, Thomas Grant, Patrick Macknight and John Nicols in Behalf of themselves & the Congregation of Dissenting Protestants within this City Called Presbyterians was Read Setting forth that they have purchased a piece of Ground within this City Contiguous to the City Hall or near thereunto, with Design Speedily to Erect thereupon a Convenient Meeting house for the said Congregation for the Publick Worship and Service of Almighty God & praying that this Corporation will grant unto the said Congregation the use and Liberty of the City Hall in this City therein to Assemble and Meet together for the Publick Worship and Service of Almighty God untill their Meeting house aforesaid be built and finished.

"It is therefore Order'd by this Court that the Prayer of the said Petition be and is hereby Granted, Provided they do not Interfere with or Obstruct the Publick Courts of Justice to be held from time to time in the Said City Hall."

(*Minutes of the Common Council*, Vol. 3, from 24th Feb., 1702, to 9th March, 1722. Library of the Common Council, City Hall, New York.)

The only allusion to the Church in the subsequent transactions of the Common Council, so far as examined, is the following:

Oct. 11, 1720.—"Resolved that the Wall Street from the City Hall to the Broadway be of the same breadth contained in a Draft thereof this day produced to this Court by Mr. Samuel Bayard, by which Draft the said Street is to be forty-one foot wide from the fence of the Meeting house to the Corner of New Street." (*Id.*, p. 474.)

BISHOPS FOR AMERICA.—The scheme of Archbishop Laud for sending a Bishop to New England, with power to enforce the decrees of the Star Chamber, is not to be forgotten. But neither that plan, nor the plan devised in the reign of Charles II. for establishing a Bishop in Virginia, seems greatly to have occupied the attention of Government. (Anderson's *History of the Church of England in the Colonies*, Vol. I., pp. 400-403; Vol. II., p. 358.)

As early as the year 1662 the report came from England to Massachusetts that "a Bishop, with a suffragan," had been appointed for the colonies. (Hutchinson's *History of Massachusetts*, I., 225, note.) Dr. Hawks conjectures (*Collections of the Prot. Episc. Hist. Society*, Vol. I., p. 139) that the date given by Hutchinson may have been written by mistake for the year 1672. But the statement is confirmed by the letters of the Dutch West India Company, acquainting Governor Stuyvesant in 1664 with the rumor then afloat that the King of England was about to send commissioners to install bishops in New England, "the same as in Old England." The Dutch hoped to reap some advantage from this measure. "We believe that the English, who mostly left England" to escape from the government of bishops, "will not give us henceforth so much trouble." Stuyvesant himself, better informed, suspected that the expedition might have a more purely secular design, and that the frigates about to sail from England might be destined for Long Island "and these further conquests," as the event proved. (*N. Y. Colonial Documents*, Vol. II., pp. 235, 409.)

In 1672, or the year following, "a resolution was taken by the King in council to send a bishop to Virginia." (*Collections of the Prot. Episc. Hist. Society*, u. s.) The project was abandoned, owing, as we learn at a later day, to the "great alarm" manifested by the people of "the several colonies" upon hearing of it. (*Observations of the Bishop of London regarding a Suffragan for America*, Dec., 1707.—*N. Y. Colonial Documents*, Vol. V., p. 29.)

The Society for the Propagation of the Gospel in Foreign Parts was alive from the first to the importance of this scheme; and in the latter part of the reign of Queen Anne its endeavors

to secure an American Episcopate seemed to have the promise of success. The Queen favored the measure. The Society in 1712 purchased a house at Burlington, New Jersey, for the residence of a bishop. Governor Hunter, through whom the purchase was effected, wrote to his friend Dean Swift, whose hopes had finally centered on a "Virginian bishoprick," informing him of the arrangements made, and expressing the wish that he might have "so good a friend" with him. (*Works of Rev. Jona. Swift, D.D.*, New York, 1813. Vol. XV., pp. 70, 81, 261.) It was for Parliament, however, to establish bishoprics in the colonies. The Queen had ordered the drawing up of a bill, to be submitted to Parliament, with this purpose in view, when her sudden death, 1st August, 1714, destroyed the hopes of those who advocated the measure. (*Collections of Prot. Episc. Hist. Society*, I., 141. —N. Y. Colonial Mss., Vol. LVIII., pp. 68, 69, Office of the Secretary of State, Albany.—*History of the Church in Burlington, New Jersey*,

by the Rev. G. M. Hills, D.D., Trenton, N. J., 1876, pp. 105, 106.)

CHURCH OF ENGLAND IN CANADA.—"Since the alienation of the Clergy Reserve (in 1854), the Church in Canada is precisely in the same position, as to its legal and civil status, as in the United States, and has no privileges beyond those of the religious bodies around it. . . . It is thoroughly and unqualifiedly disestablished. Its government is purely local, each diocese making its own canons; and under a Metropolitan, the Provincial Synod, composed of a House of Bishops and Lower House of Clerical and Lay Deputies, is the highest court of authority and appeal known to its system. Except advisory, as in the United States, no connection with the Church of England, as the Church of the Empire, is recognized." (Extract from a letter from a clergyman of the Church of England in Canada, kindly communicated by the Rev. B. F. De Costa.)

OLD FORT VAN RENSSELAER

This fort, situated at Canajoharie, N. Y., formed during the war of the revolution an important link in the chain of fortifications designed for the protection of the Mohawk Valley. After the repeated visitations of the enemy upon the settlements of this region, in the year 1780, numerous block-houses were erected for the assistance of the adjoining neighborhoods. The following year twenty-four of these strongholds were established between Schenectady and Fort Stanwix, mainly at the expense of the landed proprietors, to whom belonged the buildings palisaded. At Fort Plain and Fort Rensselaer many of the closing scenes of the revolution were enacted.

In 1780, the year preceding the appropriation of Fort Van Rensselaer by the government, the Indians under the famous chieftain, Brant, had devastated this section while the troops stationed at Fort Plain were on an expedition to Fort Stanwix, leaving the vicinity destitute of military aid. Washington, recognizing the necessity of a competent leader at this point, decided upon Colonel Marinus Willet as one peculiarly fitted to the trust. In a letter to Washington, bearing date July 16th, 1781, Willet stated that Fort Rensselaer, at Canajoharie, would be his headquarters, owing to its central location. In describing the stirring events which succeeded Willet's occupation of this fort, historians have, in one or two instances, fallen into the error of confounding Fort Rensselaer with Fort Plain. The explanation of this seems to be found in the fact that, situated as they were but four miles apart, Colonel Willet commanding at both, frequently directed important movements almost simultaneously from each fortress. No revolutionary soldier with whom Mr. J. R. Simms, the distinguished historian of the Mohawk Country, had conversed, could account for this confounding of these forts on the part of one or two writers.

The building which constituted the main portion of Fort Van Rensselaer yet stands on the east side of the Canajoharie or Schremling Kill, within the limits of the village of Canajoharie. It is a commodious stone structure with a gambrel roof, somewhat shelving at the eaves, beneath which can be seen the outlets of several port holes. It was erected by a Hollander named Martin Janse Van Alstyn, who removed from Half Moon to Canajoharie about the year 1730. It was occupied

by him as early as 1740. After his death it became, in turn, the property of his son Gosen, and grandson Philip Van Alstyn, and is still owned by a descendant of the family. This, together with the Johannes Rueff (anglicised Roof) and John Frey buildings, remained standing after the eruption of the Indians and Tories upon Canajoharie in the year 1780. The Frey dwelling still stands in a state of excellent repair. Its present owner, Ludlow Frey, is a descendant of Major John Frey. The Rueff homestead was destroyed in 1840. John Rueff, Jr., eldest son of its former owner, lived until the year 1847; and to him we are indebted for much of interest in the way of local revolutionary history.

During the year 1779, the army of General James Clinton, while awaiting a junction with the forces of General Sullivan at Lake Otsego, was encamped for several weeks on the lands of Johannes Rueff, on the site of the present village of Canajoharie. The General and staff found quarters with Philip Van Alstyn and Johannes Rueff. The residence of the former was the Fort Van Rensselaer of two years later. A fact which greatly adds to our interest in this historic building is, that during the years 1781 and 1782, while this fort was the headquarters of Colonel Willet, it was frequently visited by Continental officers of note. Among their number were Generals Washington, Lafayette and Schuyler.

We find earlier mention of this building in the Calendar of Historical Manuscripts, revolutionary papers, as follows: "A meeting of the Tryon County Committee of Safety was held, June 11th, 1775, at the house of Gosen Van Alstyn." "It was a common place of assembling of the committee and is still standing at Canajoharie (N. Y.)"—(J. R. Simms.) It was afterwards named Fort Van Rensselaer. One or two further historical references, showing the identity of the Van Alstyn place and Fort Rensselaer, are given in conclusion. From Simms' Schoharie County and Border Wars of N. Y., edition 1845, alluding to Fort Rensselaer: "This fort, erected early in 1781, was at Canajoharie, N. Y., where a stone house owned by Philip Van Alstyn was inclosed. This ancient dwelling is still standing, and was for a time the headquarters of Colonel Willet." From Friend's Gazetteer of N. Y.: "In the year 1781 the house of Philip Van Alstyn was palisaded and named Fort Van Rensselaer. It is still standing." Stone's Life of Brant, Vol. II., page 154 and subsequently, contains the most detailed account of the movements of Colonel Willet while quartered at this fort, to which work the interested reader is referred.

F. H. ROOF

EARLY AMERICAN DIPLOMACY.

BEAUMARCHAIS' OPINION OF SILAS DEANE
AND ARTHUR LEE

Communicated By George C. Genet

*A Secret Memoir for the Ministers of the
King alone.*

By character and by ambition Mr. Arthur Lee was at first jealous of Mr. Deane. He finished by becoming his enemy, which always happens to small minds more occupied in supplanting their rivals than with surpassing them in merit.

The connexions of Mr. Lee in England, and two brothers whom he has in Congress, have made him recently an important and dangerous man. His plan has always been to prefer between France and England, the power which would most surely bring him to fortune. England has some advantages for him. He has often explained himself on the subject in his libertine suppers.

But to succeed it was necessary at starting to get rid of a colleague so formidable by his patriotism as Mr. Deane. This he has accomplished by causing him to be suspected in several points of view by Congress.

Having learned that the American Army regarded foreign officers coming to demand military grades with displeasure, he threw poison into the zeal of his associate who sent them. At the same time the conduct of some French who escaped from our Islands, justifying perhaps the repugnance they felt for our officers in America, Mr. Lee profited by these dispositions to affirm to Congress that Mr. Deane had on his own motion and against good advice, sent

these officers who were as expensive, as useless to the Republic. And as the first powers of Mr. Deane only related to matters of commerce they seized that loophole to disavow all that he had done in that regard, and it is one of the causes of his recall to-day.

A second motive for his recall is the officious care that Mr. Lee has taken to write incessantly to Congress, that all that the house of Hortalez had sent whether of merchandize or munitions from Europe were a present from France to America, *that he had been told so by Mr. Hortalez himself*; so that they could only see with great suspicion, commissions and other things arriving for them to do, attested by the signature of Mr. Deane as having been made by a commercial house, and under rigorous conditions of the most speedy returns.

Nothing was easier then for the politic Lee than to envenom the conduct of Mr. Deane, by giving it more the effect of secret menaces tending to favor certain demands for money of which he afterwards received a share of the profits; all of which explains very clearly the astonishing silence that Congress has kept upon more than ten of my letters which were full of detail. This silence is what has determined me to send an honest and discreet man who can penetrate the foundation of this intrigue.

To-day Mr. Deane loaded with grief finds himself suddenly and harshly recalled. He is ordered to go to give an account of his conduct and to justify himself from many faults which they do not designate.

He had resolved in his resentment not to go until Congress had sent him

the charges and griefs imputed to him, not wishing he said to go to deliver himself into the hands of his personal enemies without carrying with him justifications which would confound them; but I induced him to change this determination.

To understand fully the recall of Mr. Deane at so critical a moment it is necessary while I allow myself to speak with great frankness that others should be persuaded like me that England has a very large share in the doings of Mr. Lee. It is necessary to know that he caused his brother, the Alderman, to come here from London, that it is through him that he holds his secret correspondence, and that after I had broken down an accumulation of suspicions as to the means that England employed to be instructed at the point named of all that is done in France relative to America, I am the more strongly convinced that Mr. Lee is a lance with two heads; for this reason, that four days after the arrival of the letters of recall of Mr. Deane and which named Mr. John Adams in his place, Mr. Lee sent his valet de chambre very secretly to London. What is the object of this mysterious message? Why do they always know at London so exactly what is passing at Versailles? How were they informed at the very moment that a plan of treaty between France and America was existing? And why did they make such great efforts to corrupt me and to induce me to speak at the price of gold, if not to incompass me by insidious advice into the disgrace of Mr. Deane, and to ruin me at Versailles, while they ruined him in America? That valet sent to London upon the

arrival of the recall of Mr. Deane was the key to the whole thing.

Thus it is proved for me, that while England was sending Commissioners to America and the relations and friends of Mr. Lee lent themselves to favor a reconciliation of the two people in Congress, they sought at the same time to undermine by calumny the influence or credit of the two men whom they knew to be most attached to the plan of an alliance between France and America, Mr. Deane and myself.

That honest American who, until his arrival in France, had never experienced the calumnies with which politics make sport, is troubled; he has lost his balance and far from going to America to face the storm armed with his innocence, he wants to remain in France here to await the charges and to justify himself from them.

While that intrigue was successful in America, Mr. Lee, having need of some one in France who could serve his double purpose of destroying both Mr. Deane and myself at the same time, if he could, found that person exactly in the Count de Lauragais, a man whose resentment against me he could very easily excite to the point of doing me harm. To alieviate my friend entirely it was only necessary to show him my letters in cypher in which I recommended him, Lee, to be very careful not to *speake of political subjects to Mr. Lee, because it was expressly prohibited for me to do so.* Not that any one should distrust the French heart of M. de Lauragais, but because any sensible man must fear his indiscretion, his political tattling, and what is useless in serious affairs is always *de trop*.

Armed with all of Mr. Lee's secrets M. de Lauragais believed that he had more than the requisite right to come to gossip with me, and above all to borrow from me a hundred thousand francs of which he had great need. Upon my refusal to converse and the impossibility of a loan M. de Lauragais quitted me rudely, and from that moment the two politicians have acted so that M. de Lauragais, who like a child, always triumphs too soon, stupidly spread a rumor in Paris that I was lost, that they did not hold any communication with me at Versailles, that I was even then suspected of treason and they had placed spies on my track. On his side Mr. Lee did not fail to entrust to his English friends that the lover of America, it is this they call me, was disgraced and there was no longer anything to fear from me.

This is a faithful history of the intrigue which has produced the disgrace of Mr. Deane, has laid the way for them to announce my own and has brought us to the present moment.

The end of the thread once found the rest is easy to unravel.

Truly all this appears very contemptible, but since it is always contemptible things that injure great ones, everyone is obliged to notice in order to guard against them, so that far from regarding the unexpected disgrace of Mr. Deane as a misfortune, and far from strengthening his determination to remain in France until the charges against him arrive, I regard the project of his departure as a piece of good fortune which everything should be brought to bear to accomplish.

Your entire justification I have said to him is in my portfolio; Lee accuses you of having on your own authority sent officers to America, and I have in my own hands a letter in cypher from the politic Lee who presses me warmly to send some *engineers* and *officers* to the aid of America, and that letter was written before your arrival in France. Mr. Lee pretends to have received from me the assurance that all my consignments to the continent were presents from France, and that all the rest is a romance of your cupidity, but in the same portfolio I have the bargain in cypher between Lee and myself which proves that my correspondences were established by this very Lee on the basis and in the tone of an active and reciprocal trade and not otherwise. Then you did not imagine on your own motion that America had need of officers. Then upon your arrival in France by following the errors begun by Lee you cannot be guilty in the eyes of Congress, for having regarded as an honorable commerce what was established under that form and has never taken any other name in the mouth of your perfidious accuser except to injure you—and this is what I propose to establish beyond question.

It was with such arguments that I succeeded in inspiring courage in my desolated friend. I determined him to brave these storms of a day and I promised him a memoir for Congress in which I will establish his active, honest and patriotic conduct with so much clearness, the evidence accompanying, that his enemies will regret their imprudence.

But the prompt departure of that American agent appears to me as pressing as it is effectual; for the bearer of our conventions having been forced to return to Brest fifteen days after his departure from Bordeaux has lost more than two months. The Commissioners from England, if they arrive before him, will have divided, reduced or gained over Congress, if some clever and energetic man is not there to counterbalance the force of the British intrigue by the advantage of our offers, and what man is better suited to this work than Mr. Deane? Convinced that he owes his disgrace to the enemies of France, he will sustain what he wants with more good faith, since it will be from her alone that he will now go to maintain his justification and his consideration in America.

I will dare then to propose, that while I establish the first solidly, that an honorable attestation of wisdom and good conduct granted by the minister shall insure the second.

I would even wish that some particular favor as a portrait of the king or some other marked present might assure his countrymen that he was not only an honorable and faithful agent but that his person, his prudence and his labors, have always been agreeable to the Minister of France.

Mr. Deane believes, and it is his firm conviction that France should not now lose a single moment of time to show herself unmistakably on the side of America. In consequence if he concludes to depart, he believes that he is not making an extraordinary demand in asking and proposing that a royal fleet

shall take him to Boston, so that this public effort of France may aid him effectually to overturn the project of pacification with England, and to render vain the seductions of her Commissioners and the intrigues of the friends of Lee.

Without this effort he believes that all is lost for your alliance.

I think with him that this decided act will upset all the obstacles to the treaty—but since many things may suspend still further the resolution of any public step on the part of France—whatever may be superior to the disposition of the government I think it should not hesitate to take advantage of the departure of Mr. Deane to hasten to send to America, and charged also with personal honors a man so useful to our interests.

Once justified in the mind of Congress his opinion will become of immense weight and of respectable authority. He will attract all suffrages and the force of his representations will be so much the less resisted as his enemies freshly confounded will be still troubled, dumbfounded and mortified at their want of success.

If the Minister does not grant the fleet which he wishes, he must at least have a royal frigate; M. de Sartines can provide it. He must have a good apologetic and justificatory memoir and of that his friend Beaumarchais will take charge with pleasure. He must have an honorable attestation upon his conduct, and that important piece is the work of the Count de Vergennes. Finally I think he should have some distinguished favor which will prove the satisfaction that has been had with his

person, and that favor it appears to me, should emanate from the hand of the Count de Maurepas in the name of the King. But there is not a moment to lose. The English have not spoken of pacification until they have recently become satisfied by secret information that France had sent a Treaty to America. Since the news of the recall of Mr. Deane, why that valet de chambre of Lee, who ran over to London, if it is not to hasten the departure of the Commissioners so that they may have finished their affair before ours would have begun?

It appears to me important then that Mr. Deane armed with every necessary proof, but with the air and tone of a man overwhelmed, who is borne down by his disgrace and departs without consolation should embark for America. It is necessary that all that reanimates his courage shall be kept a secret from all others, so that his enemies and ours believing themselves sure of their triumph will go to sleep over all precautions. I even propose to quit Paris, if it is desired, at the same time, as a persecuted man who abandons everything. My lawsuit at Aix will serve me marvelously well. But I propose also that a reliable man shall accompany Mr. Deane to bring back by the same frigate which will be directed to wait for him the effect of Mr. Deane's efforts on Congress.

Then the ruse of our adversaries will fall back on themselves and their efforts to defeat our designs will be the cause of our success being hastened.

If these views appear to be reasonable and are approved, as soon as I am

assured of it, I will quit everything else, and not rest a moment until I have solidly established Mr. Deane's justification. CARON DE BEAUMARCHAIS.

LETTER OF COUNT DE VERGENNES TO SILAS DEANE

Communicated by J. Carson Brevoort

Translated for the Magazine

Versailles, the 26 March, 1778.

As I shall not, Sir, have the honor to see you before your departure, I pray you to receive the expression of my hope that your voyage may be rapid and prosperous, and you may find in your own country the same sentiments of regard you have inspired in France. You need not ask for more, Sir, than those I entertain for you, and shall preserve for you as long as I shall live; they are the guarantee of the true interest I shall never cease on every occasion to take in your happiness, as well as in the prosperity of your country.

The King, desirous of giving to you a personal testimony of his satisfaction with your conduct, has charged me to inform M., the President of the United Congress, of it; this is the object of the letters which M. Gerard will deliver to you for Mr. Hancock; he will also deliver to you a box with the portrait of the King; you will surely not refuse to take with you to your country the likeness of its most zealous friend. Deeds are the proof of it.

I have the honor to be, with very sincere consideration, Sir,

Your very humble and
very obedient Servant.

DE VERGENNES.

M. Deane.

NOTES

TORY BALLADS OF THE REVOLUTION. There is or was a branch of American poetic folks-lore, now dropping into oblivion, some curious and perhaps interesting fragments of which may possibly still be recovered; and I would recommend the Editor of the Magazine of American History to invite its readers to contribute any relics of it which may be in possession or within reach of any of them. All that may be sent may not be worth reproduction, but of that the Editor will be a better judge generally than the contributor.

I refer to the old Tory ballads of our Revolutionary era. Most of us, had we been readers sixty years ago, would have patriotically scorned to look at such productions, and some of them were no doubt of a kind which we would turn from with disgust even now; but there may be others extant which would awaken in us now as little ire as the best old Jacobite songs do in the breast of an English loyalist.

In the Carolinas, when Toryism was stronger and more of an armed power than in the other colonies, its unsubdued spirit survived longest, and there, I am told, numerous ballads of this kind long continued current and were occasionally sung in circles where it might be done safely. The following incident shows how tenaciously some of the wrong side supporters clung to the "lost cause" of their day. A fighting Tory of the Revolution, though an illiterate man and a hunter by occupation, had no little poetical and musical capacity, as well as a voice of great power and melody.

During his guerilla days he composed a royalist war song, which, long after the contest was over, he would now and then sing in crowds where the demonstration involved danger. One of those displays at length brought on between the singer and a Whig listener an indecisive fight, followed by a feud, which ended in the killing of the Whig by the Tory bard, who in consequence was found guilty of murder and executed. He died game, and on the scaffold sang in tones of stentorian harmony the song which led to his death, and, as it was to be his last show of defiance, his audience listened to him patiently.

The only American Tory song which I have met with was republished in the *New York Evening Post* about six years ago, but it could hardly be classed among those which I have assimilated to the unirritating Jacobite ballads. The occasion which drew it forth was the arrival of Washington at Cambridge to take command of the army. The highest leaders who had thus far figured at the head of that improvised host had been generals of State militia, and the arrival of a Continental commander-in-chief, the germ of regular force and higher than State authority, signalized the conversion of local insurrection into national uprising. It was an event which might well awaken the wrathful irony of the Tory bard who designates the Virginia magnate as

"Great Washington all newly clad
In power and leather breeches."

The song evinces a good use of language and capacity for versification, but is of tone so sarcastic towards the Father of

his country, that many of us might not yet relish it even as a literary curiosity. The only stanza which I remember fully, thus describes an element in the crowd which the sensation of the time drew together :

"The country bumpkins made a tramp
In homespun stripes and Kearsays
To see the greatest rebel scamp
That ever crossed the Jerseys."

Some of the native loyalist corps did gallant service for the crown, and if there be any true soldier songs which celebrate those exploits, they would be more acceptable than versified effusions of mere party bitterness, but I would be willing to read even those, for it is now edifying to see what fools these pestilent Tories made of themselves. The exhibition has its moral, which is: "Go, and don't do like wise." R. M. P.

A POSITIVE DENIAL.—To All People, Nations and Languages on Earth; this is to let you know, that I have no Wife, neither have I ever had any in these parts that I was lawfully married to, there is one that formerly lived with Col. Andrew Bostwick, named Martha Stead, that some persons looked upon as my Wife, but it is an absolute falsehood, as I was never married to her; therefore I desire no person whatever to trust her on my account, as I am fully determined not to pay any debts of her contracting after the date hereof David Wool. Fish-Kill. Aug 12. 1782.—*N. Y. Packet*, April 17, 1783. PETERSFIELD.

JUDGE JONES AND COLONEL MEIGS.—It is due to the memory of Col. Return Jonathan Meigs, an excellent officer of the Connecticut Line in the Revolution-

ary Army, to state that the gross aspersion upon his character contained in the newly published history of New York, by Judge Jones, is entirely misplaced. It was not R. J. Meigs, but quite another man named Felix Meigs, whom the Judge describes in Vol. I. as a counterfeiter and condemned felon. The Revolutionary Colonel's private character was above reproach. At another opportunity it is proposed to present the true record in the case, and possibly to expose some other glaring blunders, not noticed by the careful editor of the work, which somewhat impair its claim to be considered as an authority.

H. P. J.

A CENTENARIAN. — Monday last Peter Brewer of Allentown died being upwards of 100 years of age.—*The New Jersey Gazette*, September, 1779.

IULUS.

LOUIS NOEL ANGIBAU. Extract from French Gazette, 1780.—We desire to acquaint Louis Noel Angibau, enlisted in the King's service under the name of Brin D'Amour, in the legion of Damas, in the year 1768, then in garrison at Brest; and who ever since that time has given no intelligence of his person; that William Angibau his father deceased in November, 1778, who left him a successor. If any person knowing the said Louis Noel Angibau should be acquainted with either his death or the place of his residence, they are requested to give notice of it to the Sieur Angibau, his brother, living at Mr. Grand Jean, painter, in the street of Faubourg St. Martin, Paris.—*Pennsylvania Packet*, December 28, 1780.

EDITOR.

QUERIES

THE THEATRE IN NEWPORT, 1761.—Newport, Sept. 15th. On Monday the Company of the Provoked Wife or a Journey to London was acted at the theatre by a company of Comedians in this town for the benefit of the poor; when the sum of one thousand and thirty pounds, old tenor, was raised for that purpose; the money was yesterday paid by Mr. Douglass in behalf of the Company, into the hands of Mr George Gibbs who has generously undertaken to lay it out in corn, which he will store till the winter and then deal it out to such of the poor as shall be judged worthy to receive it. Notice will be given in this paper when the corn is ready and such as deserve the charity will then be informed how they shall be supplied."

In quoting this extract the editor of the "Rhode Island Republican" says that by tradition it is understood that the plays performed by this company were the first in the English colonies north of Virginia. The company closed their performances with the tragedy of Douglass, also for the benefit of the poor. The play-house was a temporary structure, and stood on a lot in the north part of the town called Easton's Point near Dyers' Gate.

Is the statement correct that the first plays performed north of the Potomac were at Newport by this company?

Newport.

J. E. M.

BRADY'S LEAP. — A great deal has been written about this fable. Can any of your readers give reliable information

as to the greatest distance a man can run and jump? The distance alleged to have been jumped by Brady is variously stated; one says 32 feet! another, 27 feet, 8 inches; a third, 27 feet, 6 inches; and the others only claim 22 feet. I do not believe that a man can, by merely running, leap 22 feet.

Alleghany, Pa.

I. C.

THE ANDRE PLOT.—While examining Joshua Hett Smith's Narrative of the Death of Major André, I was struck by the fact that Smith, at whose house André had staid, and who piloted him through the American lines, was arrested after the discovery, by a French officer, one Colonel Gouvion. Why was this service entrusted to a foreigner? Did Washington distrust his own officers in the Continental service?

TAPPAAN.

PICKPACK.—Giving an account of the falling of a man in "Swoun," Sewall says in his diary that he was "carried *pickpack* to bed." Was this an Americanism, or is there English warrant for the word?

ETYMOLOGIST.

AN ARMY DUEL.—The Pittsburgh Gazette of April 20th, 1793, contains a long account of a duel between Lieut. Daniel of St. Thomas Jeniffer and Ensign Wm. Pitt Gassaway at Legionville, in which the latter received a wound from which he died the same day. Singularly enough, no allusion is made to the cause of the duel. Can any of your readers inform me if this was the same Jeniffer who was Minister to Aus-

tria 1841-5, and who died at Port Tobacco, Md., Dec. 18, 1855? What was the cause of the duel?

I. C.

Alleghany, Pa.

REPLIES

AN HISTORICAL MEDAL.—(III, 313.)

The author of this query would not have made it if he had correctly read the words of the inscription. *CONJUGIS*, and not *CONINGIS*. The inscription signifies, "This medal has been struck from a pious regard for the memory of a just man and by the love of his wife," and the words "*SENATUS PRINCEPS*" indicate that M. de Nesmond was a "President à Mortier." He died in 1693.

PIERRE MARGRY

Paris, June, 1879.

The explanation given by Mr. Margry of the probable purport of the inscription is no doubt correct. A careful examination of the photograph of the medal, from which the drawing was made for the Magazine, shows uncertainty in the lettering; but he by no means answers the query of Mr. Robertson, who was the William de Nesmond that died in 1693? We commend this query to the attention of Mr. Margry. No one is more competent to answer it than he.

The family of de Nesmond, according to La Rousse, was celebrated in the "noblesse de robe." The Hotel de Nesmond, built in the reign of Henri IV., stood until recently, and is perhaps still standing at 55 Quai de la Tour-nelle, Paris.

The most distinguished of the family, as far as judgment can be made from authorities at hand, was Henri de Nesmond, Bishop of Montauban. According to the *Biographie Universelle*, edition of Paris, 1822, he was of a noble family of Angoumois; by the *Nouvelle Biographie Universelle*, of a family of Irish origin. He was son of a President at the Parliament of Bordeaux. The *Biographie* of 1822 says of him that "he early made a name in the pulpit, while his brother, the Chevalier de Nesmond, illustrated his in the navy."

According to Charlevoix, the "Marquis de Nesmond" left Brest with his ships about the 26th April, 1697, but from various causes did not reach Placentia till July 24th, when a council of war determining that it was too late in the season to move to advantage, he was compelled to return to France without firing a gun. Parkman mentions also a *Mémoire sur l'entreprise* par M. le Marquis de Nesmond, printed at Versailles, 21st April, 1697. This, no doubt, is the same person as the Chevalier mentioned in the *Biographie*, but nowhere is his Christian name given.

From the above facts the conclusion seems natural the William de Nesmond of the medal, President of the Parliament, was the father of the Bishop of Montauban, and of the Chevalier, later Marquis de Nesmond; that the latter brought the medal with him as a pious reminder of his father, and that, lost by or stolen from him, or perhaps given as a friendly token to some Indian chief, it found its way to its resting place beneath the village of the Miamis, in the heart of the continent.

The title given by Mr. Margry "President à Mortier," is hardly in general use. It is a technical term for a "President of Parliament;" the *mortier* is the cap used by these officers.

EDITOR.

the last survivors of the Revolutionary pensioners, taken from the records of the Commissioner of Pensions at Washington. "Inquirer" will find all the information he seeks by referring to that article. C. A. C.

MONONGAHELA.—(III, 516.) A Shawnee Indian from the Indian Territory lately informed me that the name of this river has its origin in the Algonkin dialect of the Delaware or Lenni-Lenape, but cannot be explained through the Shawnee. In Delaware it is pronounced Menangehéli, and means "caving in." But the tribal name of the Munsees or Muncies, a portion of the Delawares, can be interpreted by means of the Shawnee language. In Shawnee a Munsee Indian is Humenthi, the Munsee people Humenthige, *hu* being a predication prefix; menthi is the Shawnee menethi, m'nethi, *island*, and hence this name signifies, "those living on an island," or "the people living near the island." A. S. G.

—In Wm. C. Richel's "Names which the Lenni Lennape or Delaware Indians gave to Rivers, Streams, and Localities within the States in Pennsylvania, &c., from the Ms. of John Heckeweldn," &c. this word Monongahela is given as "corrupted from *Menaungehilla*, a word implying *high banks or bluffs, breaking off & falling down at places*.

Brownsville, Pa.

H. E. H.

REVOLUTIONARY PENSIONERS.—(III, 263-380.) In the "American Historical Record" for December, 1873, pp. 531-534, may be found a full account of

ROBBINS' REGICIDES.—(III, 514.) C. Robbins' Regicides in New England was one of the lectures by members of the Mass. Hist. Soc., delivered before Lowell Institute in Boston, 1869.

JUSTIN WINSOR.

Harvard College Library.

GENERAL FRASER'S BURIAL PLACE.—(III, 452.) If H. C. M. will turn to Appendix No. VI. in Stone's Burgoyne Campaign, published by Munsell, Albany, N. Y., he will find an answer to his query. The name is Fraser, not Frazer. W. L. S.

HOWARDS OF MARYLAND.—(III, 248.) William Howard (M. D.?) married Rebecca Ann Key, *cousin* to Francis Scott Key, being the daughter of Philip Barton Key, whose brother, John Ross Key, was father of Frank. T. H. M.

ROCHAMBEAU.—(III, 583.) To obtain a reply to the query as to whether the heirs of Rochambeau ever made application to the United States for a pension, a note was addressed to the authorities, and answer received June 25, 1879, from Mr. J. A. Bentley, Commissioner of Pensions, "that the records fail to show that the heirs of Count de Rochambeau ever applied for a pension by reason of service during the War of the Revolution." EDITOR.

(Publishers of Historical Works wishing Notices, will address the Editor, with Copies, Box 100, Station D—N. Y. Post office.)

COLLECTIONS OF THE NEW YORK
HISTORICAL SOCIETY FOR THE YEAR 1875.
Publication Fund Series, VIII. 8vo, pp. 553.
Printed for the Society. New York, 1876.

I. OFFICIAL LETTERS OF MAJOR-GENERAL
JAMES PATTISON.

II. LETTERS TO GENERAL LEWIS MORRIS.

The conditions of this important fund, not yet entirely complete, and well worthy of subscription from historical students throughout the land, only permit of the use of its interest in publication. Hence the delay in the issues of the last years. The volume for 1875 has been recently published, and is not only one of extreme local importance to citizens of New York, but of general value to all who are interested in the revolutionary period. It contains: I. The official letter of Major-General James Pattison, first as Commandant of the Royal Artillery in North America, and secondly as Commandant of the City of New York. The copy from which this correspondence is printed was conveyed to the Society by Captain Francis Duncan, of her Majesty's Royal Artillery, to whom American students have been repeatedly indebted for valuable material.

I. begins with a letter to Lord Viscount Townshend, dated, New York, January 10, 1779, and closes with a communication to the Board of Ordnance, written at Bath, 11th January, 1781, on the quality of the powder used by the British during the siege of Charleston, in which General Pattison takes occasion to say that the case referred to was the "single instance that had come to his knowledge, since he had the honor to command the Artillery in North America, of the Government powder proving bad on any service that was carried on there." Whatever the speculations committed during the course of this long war, in which it is recently charged that the British failed because of malversation and incompetency of officials, civil and military, here is evidence that at least they "kept their powder dry." Among these documents will be found important letters from the British camps at Stony Point, 9th June, 1779, one to Sir Henry Clinton, announcing that a deserter from West Point had given an exact description of the American works at that place, and a second of same date to Lord Viscount Townshend, with a concise account of the capture of Stony Point and Verplancks Point at that time. After completing the works of defence and every cautionary step for the fullest security of the post, General Pattison returned to New York, to the command of the garrison and city of which he was, on the 5th of July, ap-

pointed by Sir Henry Clinton, succeeding Lieutenant-General Jones in the post, which he terms, the 10th July, "a very desirable and pleasant command." The fortunes of war did not permit him long to enjoy the delightful sea breezes which made old New York about the Battery the most delightful summer residence on the continent. By the very next homeward mail, the 26th July, he had the mortification to report the surprise of Stony Point by "Mad Anthony Wayne." In his report, like a true soldier, he gives the Continental commander and all the troops credit for having shown no instance of inhumanity to any of their British captives. On the 22d August he had again the mortification to report the surprise of the British post at Powles' Hook, a success of which the Americans did not take full advantage.

The garrison of New York, at the time he assumed command, consisted of "Six battalions—two of the Guards, the 54th, and 3 Hessian Regiments under Brig-Gen. Hackenbourg." The letters continue to give details of military movements. On the 21st and 22d February, 1780, he sends an account of the great frost which rendered the "passage of the North River to Paulus Hook practicable for the heaviest cannon." In July, 1780, he writes Lord George Germain of the aid rendered him by the Tories of New York in the defence of the lines. They threw up a redoubt, which in their honor he named the *Citizens' Redoubt*, a position which some local antiquary, perhaps our good friend Colonel Thomas F. DeVoe, may accurately locate.

The second part opens with a letter of the 10th of July, 1779, to the Chamber of Commerce of New York, requesting them to meet and advise with him concerning the internal management of the affairs of the city. This body, organized in 1768, included the principal merchants of the city; their meetings had been suspended since the spring of 1775, when the opening of hostilities at Lexington brought to an instant close all commercial operations. The Tory members who had remained in the city now reorganized, and until the close of the war, under the wise provisions of General Pattison, essentially had the civil government of New York. The last letter in this part of the collection is addressed to James Thompson, and is dated 18 August, 1780.

II. The second part of the volume contains a number of letters to General Lewis Morris, from the family papers of Henry M. Morris, the late proprietor of the Old Manor House of Morrisania. The first of these is a letter from Washington,

dated at the camp at Cambridge, August 4, 1775, and in the collection follow interesting communications from Jay, Burr, Greene, Steuben; the majority, however, being from Lewis Morris, Jr., Lieutenant-Colonel in the Continental army, which are full of information about the operations of the American forces.

The value of the book is greatly increased by an admirable and copious index, the work of the accomplished and precise Assistant Librarian of the New York Historical Society, William Kelby, who is confessedly the first authority on all that concerns the local detail of New York history—the willing, disinterested assistant of every writer who has her fame at heart.

COLLECTIONS OF THE NEW YORK

HISTORICAL SOCIETY FOR THE YEAR 1876.

Publication Fund Series IX. 8vo, pp. 495.

Printed for the Society. New York, 1877.

THE COLDEN LETTER BOOKS. Vol. I., 1760, 1765.

The publication fund of the Society not being complete, and its conditions only permitting of the use of the interest of it, this volume has also been necessarily delayed. It is the first volume of the Colden Papers, 1760-1765, which is probably the most valuable and important of the manuscripts belonging to the Society, and contains the first part of the official letter books of Cadwalader Colden, on whom the administration of the Province of New York devolved upon the death of Lieutenant-Governor DeLancey in 1760, the Mss. continuing until the year 1765.

The papers begin with a notification by Colden to General Amherst, under date of August 4, 1760, of the death of his predecessor, and a circular letter to the several Governors of the Colonies on the occasion, and close with a letter, under date of April 27, 1765, to John Pownall, Esq., Secretary of the Board of Trade.

The importance of the correspondence of this one-sided and arbitrary officer is invaluable as showing the nature of British rule, and the measures which irritated New York to exasperation, and finally drove her to independence.

SOUTHERN HISTORICAL SOCIETY

PAPERS. Vol. VII., No. 8. August, 1879.

Edited by Rev. T. WILLIAM JONES. Richmond, Va.

Repeated attention has been called in these pages to the extreme value of the well selected and carefully edited series of papers published by the learned Secretary of the Southern Historical Society, under their authority and direction. They are too numerous for special mention. In the latest, the August number, how-

ever, we notice the authentic publication of a letter which appeared not long since in one of the New York dailies. It is dated August 1, 1875, and was written by the Hon. James Lyons, of Virginia, to Col. Allen B. Magruder, of Baltimore, and contains some statements which the word extraordinary can hardly characterize. Mr. Seward's name is mentioned in a manner which can hardly fail to challenge immediate comment and reply. With this we shall not deal, but invite attention to the statement made that Count Mercier, then French Minister to the United States, in May or June, 1862, visited Richmond by permission of the Northern Government, and while there made known to Mr. Lyons the plans of the United States War Department, and informed him, from the official statements of the War Department, of the number of troops enlisted, and the direction they had been ordered to take. The further conversation is of little consequence now, but it is a matter of importance to know whether the French Minister committed such a breach of good faith. It seems incredible that he could have been supplied with any such information, monstrous that he could betray it. We well remember the indignation with which Mr. Chase denounced Mr. Mercier in a private conversation as an enemy of the United States, and his diplomacy as unfriendly.

If the statements of Mr. Lyons can be substantiated, he was worse than inimical; he was treacherous. Well may the American rejoice that the imperial government which instigated or approved such diplomacy has been driven from the country which it not only ruined, but disgraced.

RHODE ISLAND HISTORICAL TRACTS.

No. 4. WILLIAM CODDINGTON IN RHODE ISLAND COLONIAL AFFAIRS. An Historical Inquiry. By Dr. HENRY E. TURNER. 4to, pp. 60. SIDNEY S. RIDER. Providence, 1878.

In a fourth of the dainty little quartos, to which the enterprising publisher treats the historical inquirer, Dr. Turner takes up the Magistrature of William Coddington, the founder of a distinguished family, whose home was at Newport for more than a century; though it is no longer borne in Rhode Island, at least by any of the descendants of the Governor. In the dispute as to the character of the Governor, Dr. Turner takes the adverse side, although attributing his faults to weakness rather than wrong intent. He considers that he was the willing instrument in the hands of the Massachusetts Government to defeat the union of the four towns of the Providence Plantations, who hoped to throw off their oppressive allegiance.

Mr. Rider announces that he expects to in-

corporate in the same series a view more favorable to Coddington's memory, prepared by Dr. David King, President of the Newport Historical Society.

PROCEEDINGS OF THE AMERICAN ANTIQUARIAN SOCIETY AT THE ANNUAL MEETING, HELD IN WORCESTER, APRIL 24, 1878. No. 71, pp. 110. CHARLES HAMILTON. Worcester, 1878.

While in entire accord with the conclusions of the report of the Council, that "in the materialistic tendency of the age whenever attention is drawn from what is chiefly selfish, the horizon of the mind is enlarged and the dignity of life added to," we utterly protest against the argument upon which it is based. We deny that "our age is in a condition of general bankruptcy;" that it is "bankrupt in religion, bankrupt in morals, bankrupt in politics, as well as in finance." We utterly deny the assertion. The world is not degenerate; never were the moral forces more active; never was religion more liberal and catholic, more tolerant and Christian in the true spirit of the founder; never have the educational and charitable institutions received more general support, private as well as public, than they do now, and never have the social distinctions between sects and social classes been so entirely lost in a general brotherhood of humanity. Even the beast now receives a better treatment than was given to the poor of human kind not half a century ago.

The volume includes a paper on Massachusetts and Maine, their union and separation, by P. Emory Aldrich; one on the decrease of the relative number of college-educated men in Massachusetts during the present century, by Edward Hitchcock, which shows the decrease during the last seventy-five years to be nearly three-eighths of the original ratio. A paper on a terra cotta figure from Isla Mujeres, Yucatan, by Stephen Salisbury, Jr., with photographic illustrations. An appendix contains a translation, by the same hand, of Valentini's valuable lecture on the Mexican Calendar Stone, with a fine heliotype plate of this curious relic.

RHODE ISLAND HISTORICAL TRACTS.

No. 5. MEMOIR CONCERNING THE FRENCH SETTLEMENTS IN THE COLONY OF RHODE ISLAND. By ELISHA R. POTTER. 4to, pp. 138. SIDNEY S. RIDER. Providence, 1879.

By the edict of Nantes, so called from the place of its signature, Henry IV. in 1598 guaranteed religious toleration. Reaffirmed on several occasions as the policy of the Kingdom, or

the law of the land, it was repealed in 1685 by Louis XIV. The result was an immediate emigration to Protestant countries, and among them to America, settlements being made at New Rochelle, on the James river in Virginia, on the Santee river and at Charleston, South Carolina. About thirty families settled at Oxford in Massachusetts, but in 1696 the little colony was dispersed by the attacks of the Indians and of their white neighbors, who no doubt as Englishmen had drank in hatred of a Frenchman with their mother's milk. At Oxford they had a church of their own, and they later built one at Boston, when they were driven in from the outer settlement.

In 1686 the Proprietors of the Narragansett country made an agreement with some French emigrants for the settlement of a plantation on their territory. The names of the signers, forty-eight in number, are given; chief among them in the later history of the colony is that of Ayrault. They built a church in the settlement, which took the name of Frenchtown, and established their minister, Ezechiel Carré. But little is known of their subsequent history. Their names have been corrupted as usual till hardly a trace of their origin remains; as, Le Moine into Mawney, Targé into Tourgee, Dailé into Daly. The documents here printed are in the British State Paper Office, London.

A note is appended on the Narragansett purchases by the Massachusetts Bay proprietors, in which the action of the authorities of the older colony are severely condemned. Their attempt to convert the Indians to "Massachusetts Christianity" is particularly censured. The tract closes with a chapter of genealogical notes, and some records of the families of Mawney, Bowen, Ayrault, Bernon, Tourtellot, Helme, Carpenter, Ganeau, Marchant, Targé, Lucas, Jerauld and Ginnado, and a note upon others bearing French names.

PROCEEDINGS OF THE AMERICAN

ANTIQUARIAN SOCIETY AT THE ANNUAL MEETING, HELD IN WORCESTER, OCTOBER 21, 1878. No. 72, pp. 131. CHARLES HAMILTON. Worcester, 1879.

The report of the Council, submitted in their behalf by Edward E. Hale, is of unusual interest. It includes a warm affectionate tribute to its recent deceased members, chief among whom was Judge Thomas, whose serene, well-balanced mind, warm heart and varied accomplishments were the admiration and delight of all whose happy fortune it was to be brought into contact with him, either in his private or social life or in the more general field of his active usefulness. A fitting tribute is paid also to the

earnest, laborious and excellent scholar, Dr. Berendt, whose services in geographical and archæologic investigation in Central America have greatly added to the existing information upon this almost novel field of exploration. There are also two excellent papers on the Archæology of Yucatan, by Augustus Le Plongeon and Madame Le Plongeon, his wife, both of which are amply illustrated.

The volume is deserving of highest praise.

SELECTED SPEECHES AND REPORTS

OF FINANCE AND TAXATION, FROM 1859 TO 1878. By JOHN SHERMAN. 8vo, pp. 64c. D. APPLETON & Co. New York, 1879.

The distinguished Secretary, whose name will be indissolubly connected with the successful accomplishment of the resumption of specie payments, and the no less remarkable completion of the funding of the public debt of the United States, in the preface to the volume before us announces that the purpose of this selection from his speeches on finance and taxation, from that on the Morrill tariff in 1860 to his annual report to Congress at the close of 1878 as Secretary of the Treasury, will have been accomplished, if it shall contribute in any way to throw light upon the important problem of securing a *stable currency of paper money, redeemable in coin*. In this phrase may be found a distinct open avowal of the kind of currency he prefers for this country—to wit, a paper currency. And here we venture to take direct issue with the Secretary, and with the more confidence that the opinions of the most celebrated financiers of Europe and the experience of both continents sustain our views. We believe that it is not only the interest, but the only safety for this country to have a circulating medium, essentially of gold and silver, in true proportions, and that the paper currency should be merely supplementary. The experience of France has shown the advantage of a very large preponderance of coin over paper, five to two. The experience of England has shown that the ratio of two and one-half of coin to one of paper is too small to insure convertibility. That of the United States, before the suspension of 1860, showed that the ratio of three to two was too small here also, and that suspension immediately followed any great drainage of coin—beyond our annual production. Why should we expect to be exempt from the economic law which governs the relations of paper to the base on which it rests?

The easy resumption of specie payments was not the result of any financial scheme alone. Without any plan whatever, gold would have fallen to par. The enormous balance in trade of the last two years has not only enabled us in

return for our products to draw from Europe an enormous amount of our own bonds, but to retain at home the whole of our annual product of gold and silver, for the first time in many years. This has raised the stock of gold in the country to three hundred millions, and further additions will no doubt be made to it this year; and yet no gold passes from hand to hand. In a recent speech on the Delaware river excursion Mr. Sherman plumed himself on the fact, that since the resumption Act went into effect only seven millions of gold had been drawn from the Treasury for notes and greenbacks. What is still more significant is that the National banks had less gold and silver on the 1st January 1879, than on the 1st January, 1878. No one wants any gold; the people have forgotten its use, the banks do not care to be burthened with the load, and the Treasury has it all to itself. A wise financial policy would at once take in every note under ten dollars, and forbid their issue by the National banks as well. Gold pieces of five dollars and two dollars and one-half would immediately take their place, and the currency be just so much strengthened. The balances of trade will not forever be in our favor. In the first turn of the exchanges against this country, the same causes which have caused alarm will cause it again. Then the Secretary of the Treasury will find that *every* body wants coin, and we will have another panic like that of 1857, which was exclusively a money panic. Why not accept what the experience of the world has demonstrated, that the only safety is in a circulating medium largely composed of the precious metals? If we secure it, we shall be safe from a money panic for half a century. If we neglect it, we may repent our folly within a decade.

ANNUAL RECORD OF SCIENCE AND

INDUSTRY FOR 1878. Edited by SPENCER F. BAIRD. With the assistance of eminent men of science. 8vo, pp. 715. HARPER & BROS. New York, 1879.

This is the eighth of a series commenced in 1871, which took up the record of scientific and industrial progress where it was left off by the Annual of Scientific Discovery, which it succeeded. The original plan of arrangement was modified in the volume for 1877, and the change has been adhered to in the present volume. A table of contents supplies an analysis of the several articles on each branch of science, all of which are by eminent specialists, and a minute alphabetical index permits easy reference to any particular record of facts. The subject divisions are Astronomy, Physics of the Globe, Physics, Chemistry, Mineralogy, Geology, Hydro-

graphy, Geography, Microscopy, Anthropology, Zoology, Vertebrate Zoology, Botany, Agriculture and Rural Economy, Engineering, Technology, Industrial Statistics, Necrology and Bibliography. The last division supplies a thorough list of all the scientific publications, serial and others, of the year. The work is indispensable to every general library.

STEIGER'S EDUCATIONAL DIRECTORY FOR 1878. 8vo, pp. 321. E. STEIGER. New York, 1878.

This, the first attempt at a complete Educational Directory, is a companion volume in the same field of publications already partially occupied by the *Cyclopedia of Education* and the *Year-book of Education*, the author of which was honored by the award of a medal at the Exposition Universelle in Paris. In the volume before us American educational institutions and American publications occupy the largest space, and it will be the most complete existing practical guide to books intended for teachers.

In its contents we find a list of educational institutions in the United States, British Dominions, Germany and Austria—France being omitted we regret to see; a catalogue of publications on educational and general philology, a list of books and other articles of interest to educators generally, a subject index to books, and some special notices of private educational institutions.

ANNUAL REPORT OF THE LIBRARIAN OF CONGRESS FOR THE YEAR 1878. 8vo, pp. 6. GOVERNMENT PRINTING OFFICE. Washington, 1879.

This great collection, under the admirable care of its intelligent and industrious custodian, continues to increase with gratifying rapidity. The accession during the year 1878 were of books, 21,537; pamphlets, 11,689—the library now containing 352,655 volumes and 120,000 pamphlets. The printing of the new general catalogue has now advanced to the letter B. The urgent need of increased accommodation is again forcibly stated.

REPORT OF THE LIBRARIAN OF CONGRESS UPON THE AMERICAN ARCHIVES, OR DOCUMENTARY HISTORY OF THE AMERICAN REVOLUTION. 8vo, pp. 4. (May 15, 1879.)

This is in answer to the inquiry of the Joint Committee on the Library upon the manuscript material collected by the late Peter Force for the documentary history of the United States. An

account of the monumental labor of Mr. Force, and his difficulty in securing for it the attention of Congress, appeared in the April [1878] number of the Magazine [II. 221] over the signature of Professor G. W. Greene. The collection was purchased by Congress in 1867, the New York Historical Society narrowly missing an acquisition, which might have proved to them what is popularly termed "an elephant." The possession of such a colossal treasure brings with it duties and responsibilities of corresponding magnitude.

Congress had authorized the beginning of publication in 1833. Nine folio volumes were published between 1837 and 1844, when the appropriation was discontinued. Later, as we have said, Congress purchased the collection. Mr. Spofford estimates that to complete the period from 1776 to 1789 would require thirty folio volumes of eight hundred pages each. There is no reason why there should be any haste in this work—but an appropriation of five thousand dollars a year would enable the librarian to issue one volume a year with due care. This is the correct method.

THE LIBRARIES OF CALIFORNIA; CONTAINING DESCRIPTIONS OF THE PRINCIPAL PRIVATE AND PUBLIC LIBRARIES THROUGHOUT THE STATE. By FLORA HAINES APFONYI. 8vo, pp. 304. A. L. BANCROFT & Co., San Francisco, 1879.

But few persons are aware of the extent of the collections of art and literature in the Golden State. For years a steady stream of books of all kinds has been flowing westward, and even copies of the rarest of European imprints, old as well as new, daily take this direction. In this beautifully printed volume there is an account of a few of the largest of these collections. The cultivated lady, whose love of books has tempted her to the task, condemns with scorn the vulgarity of many of the rich parvenus of the cosmopolitan city, which has a certain future of wonderful development to look forward to, but offsets their ignorant assumption with the real refinement and culture to be found by those who seek or appreciate it. Of the public libraries she says that, after a brave battle with adversity, they are on solid ground at last, and she justly looks upon them as the hope of the community.

Among the collections noticed, special mention may be made of that of Hubert H. Bancroft, which contains twenty thousand volumes, and numerous manuscripts, covering the western portion of North America, and a vast amount of invaluable material for history. The northern territories and Alaska, as well as Mexico have all place among these. A smaller, but rare

library, rich in Spanish works, is the property of Messrs. Molera and Cebrian, two gentleman of that race.

The State Library at Sacramento numbers upwards of forty-eight thousand volumes; the University, of California, over sixteen thousand; the Mercantile Library has in its reading room files of four hundred newspapers, and a reference collection of two thousand volumes. The other public libraries are those of the Mechanic's Institute, the Odd Fellows, the Law, of eighteen thousand volumes, the third in extent in the United States. The Academy of Science has sixteen thousand; La Ligue Nationale Française, over two thousand, half French; the Society of California Pioneers, three thousand, the specialty being the early history of the Pacific coast; the Microscopic Society, four hundred on this subject alone; and the Young Men's Christian Association, over five thousand. In addition a table of the private law libraries shows over fifty-six thousand volumes.

If the motto, *qui legit regit*, be true, California has a sure empire. The work has been published by subscription, in an edition limited to five hundred copies. The author may be addressed at 14 Hampton Place, San Francisco.

We make an exception to the rule of the Magazine in this case, and add that the price of the volume is three and one-half dollars.

EDWARD CHAPMAN, OF IPSWICH, MASS., IN 1644, AND SOME OF HIS DESCENDANTS. Compiled by Rev. JACOB CHAPMAN and Dr. W. B. LAFHAM. 8vo, pp. 34. B. THURSTON & Co., Portland, 1878.

Several persons bearing the name of Chapman came early to America, but it does not appear that they were related in any way. The name is common in England, and also in the United States. The genealogies of the Connecticut families of this name were compiled by the late Rev. F. W. Chapman. The present paper gives an account of the family of Robert, a grantee of Ipswich in 1644, who is said to have emigrated from a place near Hull, Yorkshire, England.

MAP OF ELIZABETH TOWN, N. J., AT THE TIME OF THE REVOLUTIONARY WAR, 1775-1783. Showing that part of the Borough and Town of Elizabeth which is now the site of the City of Elizabeth. (36x24 inches, colored). By ERNEST L. MEYER, C. E., Elizabeth, N. J., 1879.

No more valuable contribution has been of late made to topographical and local history than this

admirably prepared and carefully executed chart of the old New Jersey town, celebrated in our history. It is the result of many years of research, by an accomplished and thorough surveyor, among the old records and deeds of the borough which supplied the old farm lines. It shows all the roads, water courses, property lines, and location of houses, woods, and orchards, the names of their owners, with well placed historical notes. In addition, and of great value in the centennial of the year of 1780, famous in Jersey annals, it gives the position held by the British forces at Elizabethtown Point from June 7th to 23d of that year. We commend it heartily to our readers. No historical library should be without it. The mechanical execution is beyond praise.

PAINE FAMILY RECORDS. Edited by H. D. PAINE, M. D. No. I., November, 1878; No. II., February, 1879; No. III., May, 1879. 8vo, pp. 76. JOEL MUNSELL, Albany, 1878-9.

This is a serial publication, designed to collect and preserve the records of the family whose name it bears, and whose representatives, under the orthographic varieties of Payne, Paine, Payn, etc., are to be found in every State and territory in the Union. The first of the New England branch it is supposed was Thomas Paine, whose name appears as Deputy from Yarmouth to the First General Court of Plymouth Colony. Next comes William, who emigrated from England with his wife and children in 1635, and settled at Watertown. In these numbers are given the Southold, Ipswich, Worcester and Woodstock branches.

THE LADY OF THE AROOSTOOK. By W. D. HOWELLS. 12mo, pp. 326. The Riverside Press. HOUGHTON, OSGOOD & Co., Boston, 1879.

This story of Mr. Howells' is in his own peculiar vein. It bears the stamp of the Atlantic Monthly, and its atmosphere is cool as the breezes of Boston Bay. The dainty Lady of the Aroostook is thoroughly a type of interior New England, and her somewhat priggish admirers and companions in her sea voyage excellent specimens of the special variety of generous manhood, English indifference, and general self-satisfaction—bumptiousness, is the approved word—which old Harvard delights to graduate from its ancient halls. We have not much sympathy with Lady Lydia, little or none with Staniford, none whatever with Dunham, who play the parts of phone and antiphone as in a Greek chorus. The color is reserved for poor Hicks, who alone is allowed

to arouse a positive interest by his half-drunken vagaries. Excellent summer reading, however, and not enough excitement of narrative to prevent full enjoyment of the numerous passages of light, aromatic satire, in which Mr. Howells is a master. Even in the mannerisms of expression, such as "ethnic susceptibility to silver," applied to the black cook's greed, there is originality. There are descriptions, too, in neat mosaic of choice word painting, which show the clever adjustment of a thorough philologist. "Women," Mr. Howells says in one of his concluding axioms, which we much question, "are never blinded by romance, however much they like it in the abstract." This Lady of the Aroostook kept her eyes open and brought her bark to safe harbor, but all women do not reach Corinth, or leave it either, without mistaking fiction for truth, and losing their way in the glamorous seas of romance.

CENTENNIAL GATHERING OF THE HAYWARD FAMILY. With address by GEORGE W. HAYWARD, and poem by ALMIRA L. HAYWARD. Easton, August 14th, 1878. 8vo, pp. 35. JOHN S. SAMPSON, Taunton, Mass., 1879.

The centennial anniversary of the building of the Hayward Family Mansion was observed on the 14th August, 1878, by a grand gathering on the grounds of Captain George Washington Hayward (then in his seventy-second year), in the southerly part of Easton, Mass. A company of seven or eight hundred persons was present. The family of Hayward descends from Thomas Hayward and Susanna his wife, who emigrated from Aylsford, Kent County, England, and settled in Dunbury in 1635.

GENEALOGY OF THE FIELDS, OF PROVIDENCE, RHODE ISLAND. As traced by Mrs. HARRIET A. BROWNELL, of Providence, R. I., mainly from records and papers in Rhode Island. Printed for private distribution. 8vo, pp. 65. J. A. and R. A. REID, Providence, 1878.

An account is here given of the descendants of William and John Field, who emigrated to this country in 1636, and settled in Providence soon after. It is still a mooted question whether or not these two men were related; the general belief being that they were brothers. There is also a record of the family of Zachariah Field, who lived in Providence in 1637, traced separately. Cyrus W. Field traces his descent from him.

THE DOGS OF GREAT BRITAIN, AMERICA, AND OTHER COUNTRIES; THEIR BREEDING, TRAINING, AND MANAGEMENT IN HEALTH AND DISEASE. Comprising all the essential parts of the two standard works on the dog by Stonehenge, together with chapters by American writers. With over one hundred illustrations. 12mo, pp. 383. ORANGE JUDD CO., New York, 1879.

Who does not love a dog; and yet how little is known of his training, care, and treatment—in a word of his education. J. H. Walsh, better known by his nom de plume, Stonehenge, is the accepted English authority on this subject. His two works are included in this volume. The immense interest shown in the subject by the splendid dog conferences or bench shows, as the annual exhibitions are termed, and the vast throngs who have visited them annually since their inception in 1877, prompted this volume, to which Messrs. David W. Judd, Henry Stewart, and F. R. Ryer, thorough experts in all that pertains to this branch of humanity (the word is used advisedly), have contributed additional information, the whole forming, without exception, the best book on the dog ever printed in America. The plates are admirable. By them alone the merest tyro may know what manner of dog he has to deal with. No one who owns a dog should be without it. That the brute creation are at last receiving some little attention is one of the most promising signs of our progressing civilization.

DETMOLD. A Romance. By W. H. BISHOP. 32mo, pp. 286. The Riverside Press. Houghton, Osgood & Co., Boston, 1879.

Messrs. Henry James, Jr., and Howells must look to their laurels. Nothing has ever come from the pen of either more perfect in style, more exquisite in finish, more tender in sentiment, than *Detmold*. It can hardly be called a novel, the field and characters which occupy it being limited, but rather a tale, in the manner of James's *Passionate Pilgrim*, or Howells's *Chance Acquaintance*, each the best effort of its writer. There is a flavor of Taine also in the minuteness of the descriptions. The scene is laid in Verona, and the incidents of the romance are pleasantly relieved by a running account of the wonderful Lombard irrigation, admirably interwoven by its natural connection with the studies of a young gentleman, who proposes the introduction of the system into one of the arid valleys of California.

This class of literature is extremely fascinating, and although not in the least exciting or dramatic,

affords room for drawings of nature and an analysis of the most delicate traits of human character; and Detmold is delightful.

LIFE OF COLONEL AARON BURR,
VICE-PRESIDENT OF THE UNITED STATES.
With Portrait, autograph and hitherto unpublished letters; also sketches of his father, etc.
By CHARLES BURR TODD. Reprinted from the author's history of the Burr family. 8vo, pp. 139. Appendix, pp. 8. S. W. GREEN, New York, 1879.

A better, or more succinct account of Burr, his father, and his daughter Theodosia, could hardly be found than this brief sketch. His military, political, and professional career are each treated in turn. Of course the pamphlet is a defence of the man who for years was in the front rank of observation, but it is modestly and discreetly written.

NOTES ON THE MANUFACTURE OF POTTERY AMONG SAVAGE RACES. By Lt. FRED. HARTT, late Chief of the Geological Commission of Brazil. From the American Naturalists for February, 1879. pp. 78-93.

According to the writer the use of pottery is unknown to many savage people; as for instance, the Esquimaux, the Northern Indians of North America. Among the Algonkin tribes of Canada and the northeastern United States, cooking was often in vessels of bark. The various systems of clay baking or pottery are here intelligently described, and the pamphlet is an excellent hand-book for the antiquary engaged in this line of research.

CHRONOLOGICAL SUMMARY OF BATTLES AND ENGAGEMENTS OF THE WESTERN ARMIES OF THE CONFEDERATE STATES, INCLUDING SUMMARY OF LIEUT.-GEN. JOSEPH WHEELER'S CAVALRY ENGAGEMENTS. By EDWIN L. DRAKE, Lieut.-Col., C. S. A. 8vo, pp. 99. TAVEL, EASTMAN & HOWELL, Nashville, 1879.

In a brief preface Dr. Drake, who is known as the editor of the *Annals of the army of Tennessee*, expresses the difficulty of reaching any true statement of losses, owing to the want of anything like full systematic printed records from the Confederate States. He requests specific information, in tabular form if convenient, of every affair in the west.

A STORY OR TWO FROM AN OLD DUTCH TOWN. By ROBERT LOWELL. 16mo, pp. 322. ROBERTS BROTHERS, Boston, 1878.

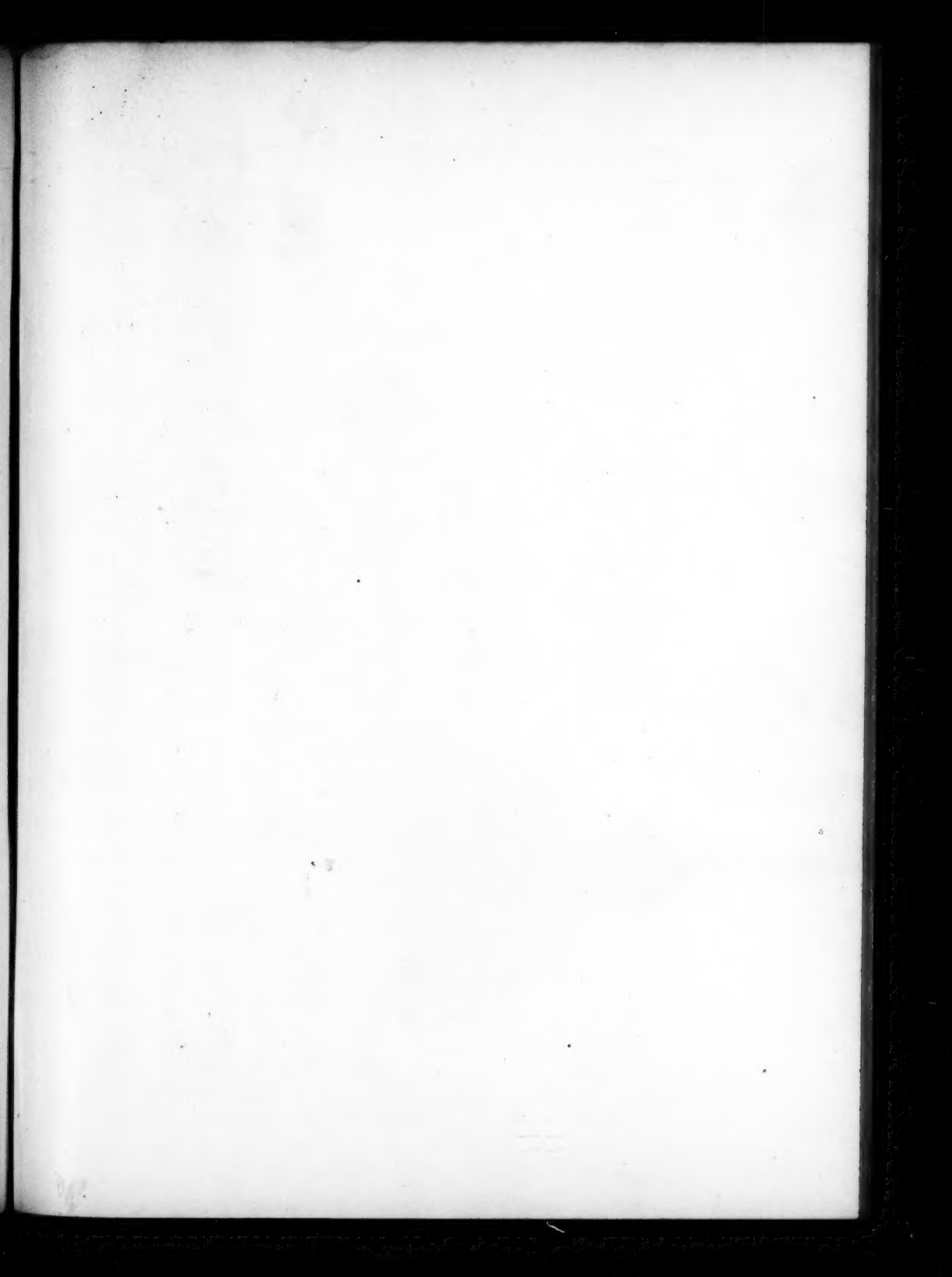
The scene of this simple story is laid in the town of Westervliet, which may mean Schenectady or any other of the old Dutch settlements of the State of New York where the names of Van Zandt, Schermerhorn, Bleeker, Van Cortlandt, and others are still to be found in abundance, but not in the numbers that they were fifty years ago, when the action of the narrative begins. The quiet drowsiness of the period seems to have thoroughly permeated the author, and subdued his hand to that it worked in.

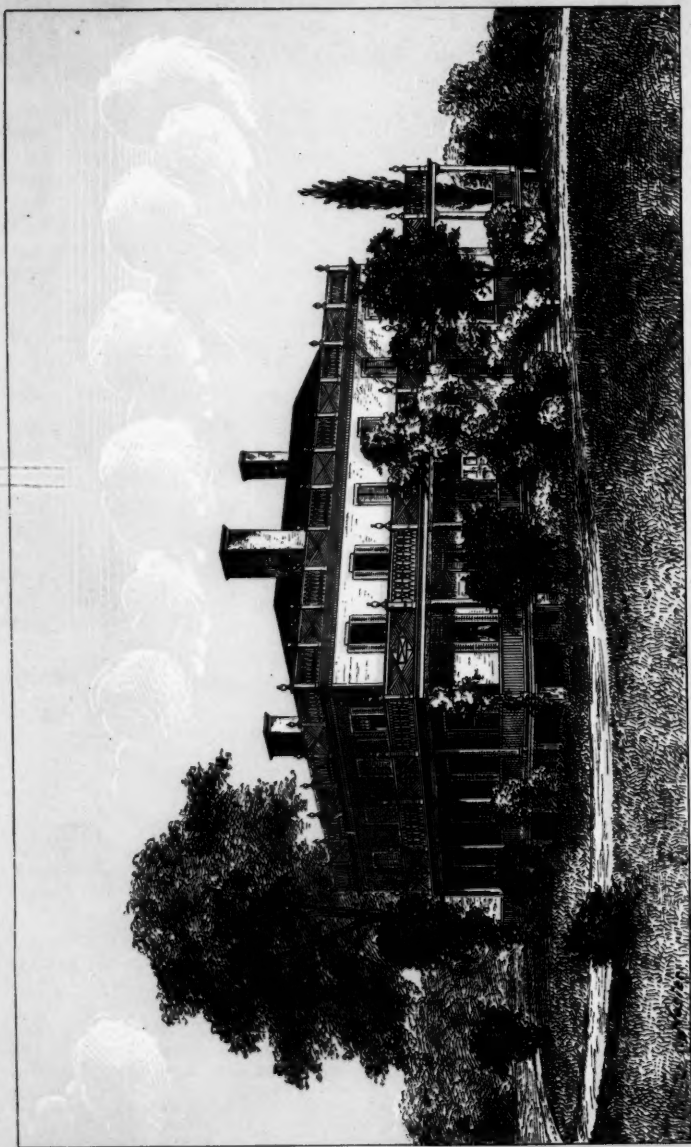
THE PAST AND THE PRESENT. NARRAGANSETT SEA AND SHORE. An illustrated guide to Providence, Newport, Narragansett Pier, Block Island, Watch Hill, Rocky Point, Silver Spring and all the famous sea-side resorts of Rhode Island. With a Map of Narragansett Bay. By FREDERIC DENISON, 8vo, pp. 88. J. A. & R. A. REID, Providence, 1879.

The summer tourist who would enjoy the manifold pleasures which Narragansett supplies to the outer and inner man, will find excellent advice in this cheap and convenient hand-book, which is appropriately entitled, *Picturesque Narragansett Sea and Shore*. It abounds in illustrations, and records the romance as well as the history of the location.

ON CHAMPLAIN'S ASTROLABE, LOST ON THE 7TH JUNE, 1613, AND FOUND IN AUGUST, 1867. Considered in solution of an obscurity in his Journal of his first voyage up the Ottawa, and the great antiquity of astrolabes and origin of their graduation. By A. J. RUSSELL. 8vo, pp. 24. DAWSON BROS., Montreal, 1879.

In the March number of the *Magazine* (III., 179), an account was given by Mr. O. H. Marshall of Buffalo, of the astrolabe found at Ross Renfrew County, Ontario, Canada, in the summer of 1867, and accompanying it a view of the instrument, which it is supposed was lost by Champlain in 1613. In this treatise the same subject is discussed and the same conclusions arrived at. It contains also a photographic picture of the astrolabe, and a map showing Champlain's route through Muskrat Province in the year named. The history of astrolabes, as instruments of science, is valuable.





THE GRACIE MANSION—GRACIE'S POINT—NEW YORK

MAGAZINE OF AMERICAN HISTORY

VOL. III

NOVEMBER 1879

No. 11

BRODHEAD'S EXPEDITION AGAINST THE INDIANS OF THE UPPER ALLEGHENY

1779

A CENTURY has elapsed since the council fire of the Six Nations was extinguished, and their Long House destroyed.

The firmness and tact of this little confederacy, enabled it for more than an hundred years, to maintain its ancient seats along the rivers and lakes of central New York against powerful neighbors. With the French close on one side, and the English upon the other, a less vigorous people would have been crushed as between two mill stones. Although these Indians were of a barbarous race, and few in numbers, their story will not be soon forgotten. Their military enterprise and conquests justly gained for them the title of "Romans of the West," and their practical wisdom enabled them to frame a perfect Representative Federal Republic, which a trial during a period longer than the existence of our own Republic, has proved to have been as efficient in practice as it was perfect in theory; an achievement that had long baffled the skill of enlightened statesmen, and which is alone sufficient to render the name of the Iroquois illustrious. This rare piece of Indian workmanship affords remarkable evidence of their political sagacity, and presents the paradox, that unlettered men, by simple methods, can effect results that cultivated minds accomplish only after great effort. These achievements, the eloquence of their orators, and the prominent part they filled in the early history of this country, will prevent the name of this people from soon fading into oblivion.

At the commencement of the revolution, the Six Nations held friendly relations with all their white neighbors, whether adherents to Congress or the Crown. But the wanton massacre of Logan's family, and other enormities committed by the whites during Cresaps' war, had weakened their friendship for the colonies. The authority that Colonel